JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA ORGANIZATIONAL SESSION OF 1983

HELD IN THE CITY OF MONTGOMERY, ALABAMA

COMMENCING TUESDAY, JANUARY 11, 1983

Vol. 1

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CLERK OF THE HOUSE

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State of Alabama

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA
ORGANIZATIONAL SESSION
OF 1983

FIRST DAY

Montgomery, Alabama
State Capitol
Tuesday, January 11, 1983

JOURNAL

of the House of Representatives of the State of Alabama, of the Organizational Session of 1983, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the Second Tuesday in January, 1983, being the eleventh day of the month in the Year of Our Lord One Thousand Nine Hundred and Eighty-three, at 12 o'clock M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, the House was called to order by the Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Dr. Thomas Butts, Minister, First United Methodist Church, Montgomery, Alabama.

STATE OF ALABAMA
DEPARTMENT OF STATE

I, Don Siegelman, Secretary of State of the State of Alabama, do hereby certify that it appears from the returns of the election held on November 2, 1982, received in this office in accordance with law, that the following named persons were elected to the House of Representatives for a term of four years, from the One Hundred and Five Districts as follows:

District Number 1, Charles F. Ashley; District Number 2, Nelson R. Starkey, Jr.; District Number 3, Tom C. Coburn; District Number 4, J. W. (Joe) Goodwin; District Number 5, Jack B. Lauderdale; District Number 6, Max Newman; District Number 7, Roger D. Dutton; District Number 8, Charles B. Martin; District Number 9, Paul Parker; District Number 10, Tom Drake; District Number 11, W. C. "Bill" Bowling; District Number 12, Carl C. Brakefield; District Number 13, Tom Nicholson; District Number 14, Jim Wright; District Number 15, Arthur Payne; District Number 16, Tommy Carter; District Number 17, Tom Butler; District Number 18, Morris Jackson Brooks, Jr.; District Number 19, DeWayne Freeman; District Number 20, Robert E. Albright; District Number 21, Steve Hettinger; District Number 22, Albert Hall; District Number 23, Ben T.

Richardson; District Number 24, J. David Stout; District Number 25, T. Euclid Rains, Sr.; District Number 26, T. Loyd Coleman; District Number 27, Bob Harvey; District Number 28, Joe Ford; District Number 29, Bill Drinkard; District Number 30, Bobby M. Junkins; District Number 31, Van Scott; District Number 32, George G. Seibels, Jr.; District Number 33, Jim Bennett; District Number 34, George L. Layton; District Number 35, Jack Biddle, III; District Number 36, Patricia Sledge Davis; District Number 37, C. Howard Nevett; District Number 38, John W. Rogers; District Number 39, William Fred Horn; District Number 40, Hoyt W. Trammell; District Number 41, Asbury Howard; District Number 42, Hugh Boles; District Number 43, Jerome Tucker; District Number 44, Jarushia Thornton; District Number 45, Sundra Erma Escott; District Number 46, Bryant Melton; District Number 47, Roy W. Johnson; District Number 48, Walter Owens; District Number 49, Donald R. Murphy; District Number 50, Duane Lewis; District Number 51, J. T. "Jabo" Waggoner, Jr.; District Number 52, Sonny Moore; District Number 53, Curtis Smith; District Number 54, Ronald G. Johnson; District Number 55, Jim Preuitt; District Number 56, A. J. Blake; District Number 57, Glen Browder; District Number 58, Bobby C. Crow; District Number 59, James M. Campbell; District Number 60, John Casey; District Number 61, Richard J. Laird; District Number 62, Thomas Lester White; District Number 63, Pete Turnham; District Number 64, John W. Rice; District Number 65, Albert L. Johnson; District Number 66, Charles Adams; District Number 67, Thomas Reed; District Number 68, Steve Flowers; District Number 69, James G. Sasser; District Number 70, George H. Grimsley; District Number 71, Joe R. Carothers, Jr.; District Number 72, R. Nolan Williams, Jr.; District Number 73, Nathan Mathis; District Number 74, Jimmy W. Holley; District Number 75, Seth Hammett; District Number 76, Jack B. Venable; District Number 77, Charles D. Langford; District Number 78, John Starr, Jr.; District Number 79, Bob McKee; District Number 80, Alvin Holmes; District Number 81, Ham Wilson, Jr.; District Number 82, E. A. Grouby, Jr.; District Number 83, James Louis Thomas; District Number 84, Dwight Faulk; District Number 85, Francis William Cosby, Jr.; District Number 86, Jenkins Bryant, Jr.; District Number 87, Richard S. Manley; District Number 88, Phil Poole; District Number 89, R. Earl Mitchell; District Number 90, Preston "Mann" Minus, Jr.; District Number 91, Frank P. "Skippy" White; District Number 92, Harrell Blakeney; District Number 93, James E. Warren; District Number 94, Walter E. Penry, Jr.; District Number 95, Stephen A. McMillan; District Number 96, J. E. Turner; District Number 97, Michael E. Box; District Number 98, William "Bill" Clark; District Number 99, James E. Buskey; District Number 100, Victor Gaston; District Number 101, Ken Kvalheim; District Number 102, Mary S. Zoghby; District Number 103, Yvonne Kennedy; District Number 104, Steve Clikas, Jr.; District Number 105, Taylor F. Harper.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, City of Montgomery, this the 17th day of November, One Thousand Nine Hundred and Eighty-two.

DON SIEGELMAN,
Secretary of State.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was administered to the above Representatives-elect by the Honorable C. C. Torbert, Chief Justice, Alabama Supreme Court.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Reps. Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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The House then proceeded with the election of its permanent officers.

ELECTION OF SPEAKER

Rep. John Casey of Cleburne, Clay, Talladega and Calhoun Counties placed in nomination for Speaker of the House of Representatives, Honorable Tom Drake of Cullman and Morgan Counties, which was seconded by Rep. Yvonne Kennedy of Mobile County, and Rep. Tom C. Coburn of Colbert and Lauderdale Counties. Rep. Jimmy W. Holley moved that the nominations be closed, and the motion was adopted.

Hon. Tom Drake, having received 102 of the votes cast, which is a majority of those elected to the House of Representatives, was declared duly and constitutionally elected Speaker of the House of Representatives for the term prescribed by law. Those who voted for Hon. Tom Drake are:

Reps. Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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COMMITTEE APPOINTED

The presiding officer of the House of Representatives appointed as a committee to escort Hon. Tom Drake to the Chair, Reps. John Casey, Tom C. Coburn, J. W. Goodwin and Nathan Mathis.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Ala-

bama was then administered to Honorable Tom Drake by Judge Newton Powell.

ELECTION OF SPEAKER PRO TEMPORE

Rep. Jimmy W. Holley of Coffee County placed in nomination for Speaker Pro Tempore of the House, Rep. Roy W. Johnson, Jr. of Tuscaloosa County which was seconded by Rep. James Buskey of Mobile County.

Rep. Thomas Reed of Macon and Bullock Counties placed in nomination for Speaker Pro Tempore of the House, himself, which was seconded by Rep. Jerome Tucker of Jefferson County.

On motion of Rep. Bennett, the nominations were closed.

Those who voted for Rep. Roy W. Johnson, Jr. are:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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Those who voted for Rep. Reed are:

Reps. Howard, Nevett, Reed and Tucker. —4

COMMITTEE APPOINTED

The Speaker, Hon. Tom Drake, appointed Reps. Holley, Buskey, Stout and Albright as a committee to escort Rep. Roy W. Johnson, Jr. to the Chair.

OATH OF OFFICE

The oath of office prescribed by the Constitution of the State of Alabama was then administered to Rep. Roy W. Johnson, Jr. by Honorable C. C. Torbert, Chief Justice of the State of Alabama.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore,

Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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H. R. 1. COMMENDING THE HONORABLE JOSEPH C. McCORQUODALE, JR., SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, for the past eight years, the Honorable Joe C. McCorquodale, Jr. has served as Speaker of the Alabama House of Representatives; and

WHEREAS, he has served as a member of the House of Representatives for the past twenty-four years where his honors and awards have been numerous; they include Hardest Working Member of the House of Representatives in 1967, Most Outstanding Member of the House of Representatives in 1971, the first Governor's Award for Outstanding Legislator in Conservation, Man of the Year for Jackson, Alabama in 1969, member of the Alabama Academy of Honor and other awards; and

WHEREAS, a native and lifelong resident of Clarke County, Alabama, Joe McCorquodale was educated in the Jackson Public Schools, a graduate of Marion Military Institute and the University of Alabama, he is a four year combat veteran of World War II, and

WHEREAS, Joe McCorquodale is a dedicated family man, a member of the First United Methodist Church of Jackson and a civic and community leader; now therefore

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we warmly commend Joe McCorquodale for his twenty-four years of outstanding service as a member of the Alabama House of Representatives and for his leadership and guidance during the past eight years as Speaker of the House of Representatives.

BE IT FURTHER RESOLVED, That Joseph Charles McCorquodale, Jr., a distinguished Alabamian, be presented a copy of this resolution as a token of our thanks for his untiring efforts as we wish him every success in the future.

On motion of Rep. Johnson (Roy), the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that the Clerk of the House of Representatives inform the Senate of Alabama that the House of Representatives has perfected its organization and elected its permanent officers and is now ready for the transaction of public business; that he communicate to the Senate the names of the several officers elected by the House.

On motion of Rep. Johnson (Roy), the resolution, H. R. 2, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be named to wait upon the Governor of Alabama and inform him of the organization of the Legislature, and its readiness to transmit business.

On motion of Rep. Johnson (Roy), the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House according to H. J. R. 3, Reps. Casey, Holley and Coburn.

Also:

By Rep. Johnson (Roy):

H. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That a Committee consisting of seven members of the House, one from each Congressional District, be appointed by the Speaker of the House to assign seats to the several members of the House.

On motion of Rep. Johnson (Roy), the resolution, H. R. 4, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Kennedy, Holley, Casey (Chairman), Bowling, Carter, Boles and Manley.

Also:

Rep. Johnson (Roy):

H. J. R. 5. CREATING A LEGISLATIVE PARKING COMMITTEE

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That there is hereby created a joint committee to work with the Chief of Services, Department of Finance, in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

On motion of Rep. Johnson (Roy), the resolution, H. J. R. 5, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 6. BE IT RESOLVED by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again on Wednesday, January 12, 1983, at 11 A.M.

AND BE IT FURTHER RESOLVED that the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives at 11:30 A.M. January 12, 1983, for the purpose of witnessing the opening and publishing of the returns of the election of executive officers of the State of Alabama at the general election held on November 2,

1982, as required by the Section 115 of the Constitution of Alabama.

On motion of Rep. Johnson (Roy), the resolution H. J. R. 6 was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 7. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following be adopted as the permanent Rules of the House.

GENERAL RULES OF ORDER AND PROCEDURE

Rule 1. The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

Rule 2. The Speaker shall take the Chair every day at the hour fixed on the preceding adjournment. He shall immediately call the members to order, and on the appearance of a quorum cause the journal of the preceding day to be read.

Rule 3. No motion shall be deemed in order to admit any person, within the doors of the House to present any petition, memorial, or address, or to have any such read.

Rule 4. The presiding officer of the House alone shall introduce visitors in the House gallery. Such introductions shall be made at the request of any House member, but shall be made only at such time as not to interrupt or disturb the orderly transaction of the business of the House.

Rule 5. The order of business in the House shall be:

(1) Report of the Committee on Rules.

(2) Reports of other standing committees of bills or resolutions, which shall be forthwith read by their titles a second time. In the call of committees the Speaker shall call them in their order. If the Speaker does not finish the call of committees before the House passes to other business, he shall resume on the next call where he left off.

(3) The call of districts in numerical order for the introduction of

bills, resolutions, memorials, and petitions, provided, however, that no bills other than local bills that have been advertised or general bills of local application shall be introduced in the House during a regular session after the House adjourns on the 24th legislative day. If the call has not been completed by 12:00 M. the Speaker shall resume on the next day.

(4) Whenever any message is received notifying the House of the passage of Senate bills, the Clerk shall, immediately after the message is read, proceed to read the bills by title, unless the reading at length be called for by some member, in which event the bills shall be read at length and referred forthwith to a committee. The House shall then proceed with the business upon which it was engaged when the message was received. During a regular session, no bill that has originated in the House, except advertised local bills and general bills of local application, shall be sent to the Senate for its first reading after the Senate adjourns on the 26th legislative day. Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 29th legislative day.

(5) In special sessions of the legislature which last more than five legislative days, no House Bill which is amended by the Senate shall be received by the House after the next to the last legislative day of the special session.

(6) The unfinished business in which the House was engaged at its last adjournment.

When the hour of 12 Noon arrives, or before that hour if the call of the districts has been completed, business shall proceed in the following manner:

(7) Executive messages shall have priority over other business, and as soon as they are received they shall be read by the Clerk and a proper disposition made of them; and the House shall thereupon proceed with the business engaged in when interrupted by the message.

(8) Bills and resolutions on the calendar shall be taken up at 1 P. M. on each day, unless reached earlier; and no bill or resolution on the calendar shall be taken up out of its order.

(9) No motion to carry over all bills on the calendar to reach a certain bill shall be in order unless the rules are suspended.

(10) Miscellaneous business.

Rule 6. The rules of the House shall not be suspended except by a four-fifths vote of a quorum present and voting.

Rule 7. No rule shall be rescinded or amended without one day's written notice of the motion thereof being given to all members of the House of Representatives by placing such notice in each member's House mailbox, and filed with the Clerk of the House. All proposed rule changes shall be included on the calendar of the House on the next legislative day.

Rule 8. Any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, that a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, that no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules.

Rule 9. Upon the introduction of a bill the same shall be read by its title only, unless a reading at length be called for by some member, in which event it shall be read at length; and upon such reading, the bill shall be referred to a standing committee.

Rule 10. Every bill including proposed Constitutional amendments shall, on its first reading, be referred to a standing committee, but the reference to one committee shall not preclude a recommitment to another; and on recommitment the bill shall be open to amendment.

Rule 11. The total number of votes necessary for the passage in the House of Representatives of any bill, resolution or otherwise in which the U. S. Constitution is to be amended or altered shall be no less than the number of votes necessary to amend the Constitution of the State of Alabama.

Rule 12. All bills shall be dispatched in the order in which they are introduced, unless the House otherwise directs.

Rule 13. No bill or joint resolution shall be received unless it is written on an entire sheet of paper, and if funding be involved, a statement of the source of the funding is included in the synopsis to the bill.

Rule 14. When a motion is made it shall be stated by the Speaker; or if it is in writing it shall be read aloud by the Clerk. Every motion shall be reduced to writing if the Speaker or any member requests it.

Rule 15. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in possession of the House, but it may be withdrawn by leave of the House at any time before a vote is taken thereon.

Rule 16. Motions may be received in the following order when a question is before the House, to-wit: First, to fix the time to which the House shall adjourn; second, to adjourn; third, to indefinitely postpone; fourth, to lay on the table; fifth, the previous question; sixth, to postpone to a certain day, not beyond the probable duration of the session; seventh, to commit; eighth, to amend.

Rule 17. When any motion, bill, or other matters are before the House, it will not be in order to entertain a substitute motion for the passage of a bill, resolution or other matters before the House.

Rule 18. A motion to adjourn shall always be in order, even in the absence of a quorum.

Rule 19. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate and bring the House to a direct vote, first upon the pending amendments, if there be any, in their order, and then on the main question; but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained, for not more than ten minutes.

Rule 20. Bills, motions, and reports may be recommitted at the pleasure of the House.

Rule 21. The tabling of an amendment or subsidiary motion shall not have the effect of carrying with it the original proposition.

Rule 22. When a bill is reported favorably to the House and a minority report accompanies the favorable report, the minority report shall be

considered an amendment and the bill shall be read a second time; and said bill and minority report shall be placed on the calendar and be considered on the third reading of the bill.

Rule 23. When the principal Alabama Special Educational Trust Fund Appropriation Bill and the principal General Fund Appropriation Bill are before the House for debate on third reading, before any vote is taken on either of such bills, there shall be provided time for discussion by the members of the House on the House floor. During the discussion, the chairman of the Ways and Means Committee, assisted by the Legislative Budget Officer and State Budget Officer, who shall, when needed have privilege of the floor; when requested by a member of the House shall explain the bill or those pages or items as per request of the House member. When any changes in either of such bills are offered either by the Senate, by Executive Amendment or by Conference Committee report there shall also be provided time for discussion by the members of the House on the House floor.

Rule 24. In all future appropriations involving the Special Education Trust Fund and the General Fund of the State of Alabama in which the Legislative Fiscal Officer and the State Budget Director project that less than twenty million dollars in the Special Education Trust Fund and five million dollars in the General Fund are on hand, excluding the amounts necessary to pay the outstanding bills against the Special Education Trust Fund and General Fund, no appropriation bill will be passed of any nature involving the Special Education Trust Fund or the General Fund, unless such bill is accompanied by a bill for raising revenue in the amount or exceeding the amount to be expended; such revenue bill must be passed before the appropriation bill is passed.

Rule 25. Any member may call for a division of the question when the sense of the proposition will admit it.

Rule 26. No member shall speak more than ten minutes at any time, except as provided in Rule 36.

Rule 27. When the ayes and nays are desired, the Speaker shall be first called, and if the House be equally divided, the question shall be lost.

Rule 28. When a vote has been announced by the Speaker—except on a previous question, or on a motion to lay on the table, or to take from the table—it shall be in order for any member who voted with the prevailing side to move for a reconsideration thereof, Provided, that the motion is made on the same day, or by filing a written motion with the Clerk within one hour after reading the Journal on the succeeding day. Such motion shall be considered forthwith after disposition of any business then before the House or any business taking precedence thereto, unless by a majority vote the same be fixed for consideration at another time. When a motion for reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Provided, that a motion to reconsider a vote upon any incidental or subsidiary question shall not remove the main subject under consideration from the House.

Rule 29. No member shall be permitted to explain his vote after a vote has been ordered upon any question except by unanimous consent.

Rule 30. When taking the yeas and nays the electrical roll call system may be used, and when so used, it shall have the same force and effect as a roll call taken viva voce.

When the House is ready to vote upon any question requiring a roll call

and the vote is to be taken by the electrical roll call system, the Speaker shall announce: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed, 'nay'. The House will now proceed to vote."

The Clerk immediately shall start the vote-recording equipment and when every member has voted, he shall lock the machine, record the vote, and advise the Speaker of the result; the Speaker shall announce the vote to the House.

Any member shall be privileged to vote or change his vote after the vote-recording equipment has started to operate, by rising in his seat and announcing his vote before the result of the vote has been announced by the Speaker.

No member shall vote for another member; nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member may be punished in such manner as the House may determine. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the House for the remainder of the session, and he may be punished further in such manner as the House may deem proper.

Rule 31. When any person sitting in the balcony attempts to attract the attention of any one on the floor by word, deed or otherwise or when any person in the balcony makes gestures to attract attention from the floor and by his conduct commits any other action deemed by the Speaker to be detrimental to the orderly business of the House, such person shall be ousted from the balcony.

Rule 31a. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

RULES RELATING TO MEMBERS OF THE HOUSE

Rule 32. No member shall absent himself from the sessions of the House, unless he may have leave, be sick, or unable to attend.

No male member of the House or any person who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of dress shall consist of the wearing of a coat and tie.

No female member of the House or any other female who has privileges of the floor, except television cameramen, shall be admitted upon the floor of the House while the House is in session unless properly attired. Minimum standards of attire shall consist of the wearing of a suitable dress or an appropriate blouse and skirt or pants suit.

Minimum attire for pages shall be leisure suit and shirt for boys and slack suit for girls.

Rule 33. Fifteen members shall have power to send for absent members or to move a call of the House, but no call of the House shall be made except on the concurrence of a majority of the members present. A majority of the House shall be a quorum to transact business. If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the House for the purpose of that vote; but when any question is put to the House, and a quorum is not recorded as voting, the Speaker shall, before announcing the vote, on his own motion or on suggestion of any member of the House, in-

struct the Clerk to record as present a sufficient number of those members physically present in the House to constitute a quorum, though all present are not participating.

Rule 34. Members shall particularly forbear personal reflections, and no member shall name another in argument or debate.

When any member is about to speak or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

Rule 35. When microphones are attached to the individual desk of the Legislator, there must be a central panel for control of same. Before a microphone is activated by the person in charge of the microphones, the member must be recognized by the Speaker and upon recognition, his microphone is activated.

Rule 36. No member shall speak more than twice on the same question without leave of the House, unless he be the mover or chairman of the committee proposing the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Rule 37. Upon the call of the House the names of members shall be called alphabetically and each member shall answer from his seat.

Rule 38. When a vote is taken by ayes and nays and a member who has been absent returns before the question is decided, he shall be privileged to make inquiry of the subject before the House and to record his vote without discussion.

Rule 39. If any member transgresses the rules, in speaking or otherwise, the Speaker shall, or any member may, call him to order, in which case the member called to order shall immediately sit down, unless he is allowed to explain; and the House shall, if appealed to, decide on the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to censure.

RULES RELATING TO THE PRESIDING OFFICER

Rule 40. The Speaker shall preserve order and decorum. He may speak to points of order in preference to other members, rising from the Chair for that purpose. He shall decide questions of order, subject to an appeal to the House at the request of any member, which appeal shall be decided without debate.

Rule 41. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment, or he may designate a member as Speaker pro tem and the member so designated shall have and exercise all the powers and duties of Speaker for the time such member is acting as Speaker.

Rule 42. When two or more members rise at the same time, the Speaker shall name the person who is to speak first.

Rule 43. All questions shall be distinctly put in this form, viz: "Those in favor (as the question may be) vote 'aye'," and after the Affirmative voice is expressed, "Those opposed to the motion vote 'no'." If the Speaker doubts, or if a division is called for before a decision is announced, the members shall divide; those for the affirmative of the question shall rise

from their seats, and afterwards those in the negative.

Rule 44. The Speaker shall appoint all committees, unless otherwise directed by the House, and he may designate who shall be chairmen and vice-chairmen.

Rule 45. In appointing a committee from the several subdivisions of the State, the Speaker shall designate who shall be chairman of such committee.

Rule 46. After the House of Representatives has adjourned sine die at the end of any regular session, the Speaker is hereby authorized to rename the membership of each standing committee. Such constituted standing committees shall take effect at the next regular or special session or at the time of the assignment thereto.

RULES RELATING TO COMMITTEES

Rule 47. The following shall constitute the standing committees of the House:

(1) Rules
(2) Ways and Means
(3) Judiciary
(4) State Administration
(5) Business and Labor
(6) Health
(7) Banking
(8) Insurance
(9) Education
(10) Agriculture and Forestry
(11) Natural Resources
(12) Public Welfare
(13) Constitution and Elections
(14) Public Utilities and Transportation
(15) Commerce and Industrial Development
(16) Local Government
(17) Military Affairs
(18) Highway Safety
(19) Local Legislation No. 1
(20) Local Legislation No. 2
(21) Local Legislation No. 3
(22) Local Legislation No. 4

Rule 48. No committee shall sit during the sitting of the House without special leave.

Rule 49. Upon a vote of a majority of the whole House any standing

committee may be directed to act on any bill which shall have been referred to such committee, and to report the same to the House at its next sitting, in default of which such committee, or any of its members, shall be subject to such censure as the House may impose. Provided, that one day's notice in writing shall have been given to the House immediately after the call of the districts.

Rule 50. When the chairman of a committee is absent, the vice-chairman, if any, if not the member whose name appears next on the committee, shall, during the absence of the chairman, become chairman, and have power to call together the committee for the consideration of bills. A majority of the committee shall constitute a quorum for the transaction of business provided, however, that this limitation shall not apply to uncontested local bills being considered by one of the local legislative committees.

A majority of the members of a committee may call a meeting of the committee at any time by giving each member a minimum of two (2) legislative days' notice and by posting on the Committee Announcement Board in the House Chamber a notice of such meeting. Such notice shall give the date, place and time of the meeting, shall be signed by each of the members so calling the meeting and the total number so signing shall be at least a majority of the whole membership of the committee. Such notice shall be posted at least two (2) legislative days in advance of the time set for the meeting.

Further, a committee may not take action on a bill except when said committee is in session, and this provision may not be waived by a majority signing petitions or other procedural documents.

Provided further that, as to bills relating only to Madison or Montgomery County, a majority of the members of the House representing portions of the respective county to which a particular bill relates shall constitute a quorum of the Legislation No. 4 Committee.

Rule 51. The chairman of the standing committee on Local Legislation No. 1 shall be authorized to report any bill out of that committee without meeting of that committee if he has the unanimous consent of all committee members whose districts are affected thereby to do so. Any member of the committee may revoke his name from said consent list by presenting the chairman with a written request to have his name withdrawn from such list.

Rule 52. All resolutions shall be referred to and reported from the Committee on Rules before they are voted on.

All resolutions requiring an appropriation must be first referred to the Rules Committee and lay over one legislative day, provided, however, this rule shall not apply on the last legislative day of any regular or special legislative session.

Rule 53. No House Resolution or House Joint Resolution of congratulation, commendation or sympathy can be adopted except in the event of death or in the event that the person honored has accomplished something that is extraordinary and unusual.

Rule 54. When a committee has decided adversely to any bill or resolution, such action shall be endorsed thereon and said bill or resolution reported to the House and placed on the adverse calendar. Any member may, after one day's written notice, on the day named in said notice, after the call of the districts, move to take such bill or resolution from the adverse calen-

dar, when the same may, by a vote of a majority of the entire House, be placed on the regular calendar.

Rule 55. Every bill the principal purpose of which is to make an appropriation shall be referred to the Committee on Ways and Means before being placed on the calendar. When any bill making an appropriation is previously referred to another committee and reported favorably, it may be re-referred to the Committee on Ways and Means, which shall act upon said bill and return the same to the House within two weeks. No provisions of this rule shall apply to local bills that do not affect state revenue.

Rule 56. No special committee, except a committee of inquiry, shall report but upon leave granted by vote of the House. A committee of inquiry may report at any time.

Rule 57. The rules of procedure in the House shall be observed in Committees and Committee of the Whole as far as they may be applicable. Provided, that Rule 30 and the previous question rule shall not be applicable.

Rule 58. In forming a Committee of the Whole House, the Speaker shall leave the Chair and appoint a chairman to preside.

Rule 59. Upon a bill being committed to a Committee of the Whole House, the same shall be first read throughout by the Clerk, and then by clauses, leaving the preamble to be the last considered. After the report, the bill shall be subject to debate and amendment by clauses before the question of engrossing is taken.

Rule 60. Upon introduction it is required that the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also, local bills affecting state revenue shall be included. If the provisions herein are not complied with, the Clerk shall not accept such bill for introduction.

Rule 61. In all bills that increase any state retirement benefits or any bill that adds to any existing state retirement fund, any group or individuals which are not currently covered by a retirement bill, such bill must be accompanied by a bill of which the principal purpose is to raise revenue to meet the additional expenses in the retirement program; such bill raising revenue must be passed before the retirement benefit bill is passed.

RULES RELATING TO THE CLERK AND THE JOURNAL

Rule 62. The name of a member who introduces a bill or joint resolution shall be by him endorsed upon the same, and shall be inscribed by the Clerk upon the engrossed and enrolled copies when transmitted to the Senate or the Governor.

Rule 63. The Clerk shall, upon introduction of a bill, immediately make a photo copy to be designated as a second official copy and to be used as a replacement in the event the original bill is lost, misplaced or destroyed.

Rule 64. When a bill passes it shall be certified by the Clerk, who shall note the date of its passage at the foot thereof.

Rule 65. Communications from the House of Representatives to the Senate shall be under the signature of the Clerk. When House bills are signed by the Speaker, the Clerk must by message notify the Senate and request the signature of the President.

Rule 66. All bills acted upon by committees shall be endorsed as follows:

This bill having been referred by the House to its Standing Committee on _____ was acted upon by such committee in session and returned therefrom to the House with the recommendation that it be passed.

Rule 67. The Clerk shall furnish to the members daily a printed calendar of all bills and resolutions on third reading, which bills and resolutions shall be arranged in the order in which they are entitled to consideration.

Rule 68. The chairman of any committee may have a bill printed upon the filing of a request with the Clerk.

Rule 69. Every bill making an appropriation from the state treasury or increasing or decreasing state revenue shall, before any vote is taken thereon by a committee, have endorsed thereon or attached thereto a fiscal note prepared by a legislative fiscal officer estimating the amount of money involved, and the anticipated increase or decrease in public spending or the increase or decrease in revenue collections under the provisions of the bill. Said fiscal note shall be printed on the calendar of bills on third reading following the title of the bill.

Rule 70. There shall be printed on the calendar of bills on the third reading, immediately following the title of every bill which would amend a section or part of the Code by reference to its number only, a brief statement of the general subject to which such section or part of the Code relates. The Clerk of the House shall see to it that this rule is enforced.

Rule 71. Whenever the House calendar contains more than twenty-five pages, either the first or last page thereof shall have printed thereon a numerical list of all House bills and all Senate bills on the day's calendar with the number of the page on which the bill appears printed opposite the number of the bill.

Rule 72. The Clerk shall appoint a Reading Clerk for the House.

Rule 73. Whenever a substitute to a bill or resolution is not adopted, it shall be printed in the Journal by title only.

On motion of Rep. Johnson (Roy), the resolution, H. R. 7 was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House according to H. J. R. 5, Reps. Blake, Trammell and Goodwin to serve on the joint parking committee.

MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify the House that the Senate has perfected its organization by the elections of the following officers:

President Pro Tempore: John Teague

Assistant Secretary of the Senate: John D. Crawford and is now ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 8. ADOPTING JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA FOR 1983.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following be adopted as the Joint Rules of this, the Organizational Session, the Regular Session and all extraordinary sessions of this Legislature.

JOINT RULES OF THE TWO HOUSES OF
THE LEGISLATURE OF ALABAMA
1983

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two

Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for introduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" x 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in

the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. ___ is attached).

(Example: Amend H.B./S.B. ___ as follows:).

_____
Name

_____
Name

_____
CONFEREES OF THE HOUSE

_____
Names

_____
Names

_____
Names

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state,

or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretay of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously indi-

vidual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

On motion of Rep. Johnson (Roy), consideration of the resolution, H. J. R. 8, was postponed to the second legislative day.

NOTICE IN WRITING

Rep. Waggoner filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to change House Rule 57 to read as follows:

This rule however, will not apply to Local Legislation No. 2, which is empowered to make its own rule of procedure.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 9. EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

WHEREAS, The Supreme Court of Alabama on September 17, 1982, ruled that the Retirement Systems of Alabama were not public corporations, and

WHEREAS, in issuing its ruling the Court attempted to determine legislative intent and based its ruling upon legislative intent, and

WHEREAS, the Court ruling has raised serious questions regarding the legality of the Retirement Systems' approximately $3 billion in investments in light of the prohibitions contained in Section 93 of the Constitution of Alabama of 1901, against the state investing in corporate securities, and

WHEREAS, the Legislature intended to create, and has always considered, the Retirement Systems to be public corporations, with all the rights, duties, powers, and privileges of public corporations and in fact expressly stated in the creating legislation that the Retirement Systems "shall have the powers and privileges of a corporation," and

WHEREAS, the Retirement Systems has requested that the Supreme Court reconsider its opinion and to find the Retirement Systems to be public corporations, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby restates its belief that the Retirement Systems of Alabama were created as public corporations with all rights, powers, duties, and privileges thereof and expresses its intent that the Retirement Systems be considered public corporations with all the powers and privileges of a corporation, and

BE IT FURTHER RESOLVED, That the Supreme Court of Alabama be provided a copy of this resolution.

On motion of Rep. Johnson (Roy), consideration of the resolution, H. J. R. 9, was postponed to the second legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 6. ADJOURNMENT OF THE TWO HOUSES, AND JOINT SESSION TO WITNESS OPENING AND PUBLISHING OF THE RETURNS OF THE NOVEMBER ELECTION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Proctor:

S. J. R. 14. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS AND TO PROVIDE FOR THE POWERS AND DUTIES OF SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any resolution heretofore passed relating to the legislative reapportionment committee is hereby repealed.

WHEREAS, as a result of the 1980 Census, there may exist a reapportionment problem in Alabama; and

WHEREAS, the Alabama Legislature has enacted a reapportionment statute but has not yet been accepted by the United States Justice Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee on reapportionment to consist of twenty members as follows: One member of the House of Representatives from each Congressional District, the chairman or vice-chairman of the House Judiciary Committee and two members of the House of Representatives at-large to be appointed by the Speaker of the House and one member of the Senate from each Congressional District, the chairman or vice-chairman of the Senate Judiciary Committee and two members of the Senate at-large, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within and without the State. This committee will have no authority after the 1983 Regular Session of the legislature and shall have no further duties or liabilities upon its discharge.

BE IT FURTHER RESOLVED, That the Speaker of the House shall

appoint one member from the House as Co-chairman and the Lieutenant Governor shall appoint one member of the Senate as Co-chairman.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and the authority to employ consultants, technicians, attorneys and any other experts needed to prepare maps and make professional appearances to support any plan of reapportionment adopted by the legislature. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

BE IT FURTHER RESOLVED, That the Co-chairmen of the committee are authorized and directed to approve for payment the proper and reasonable charges and expenses of consultants, attorneys and technical staff employed or utilized by the 1983 Legislature from November 3, 1982, to the date of adoption of this resolution and each member of the 1983 Legislature, who has served on the Interim Reapportionment Committee, shall be entitled to and be reimbursed for his usual legislative pay, travel expenses and per diem for each day spent in attending committee meetings or on business of the committee within or without the State since November 3, 1982, with payment to come from funds appropriated for the use of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 14, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. McKee:

H. R. 10. ESTABLISHING THE HOUSE OF REPRESENTATIVES DECORUM COMMITTEE.

WHEREAS, the Alabama Legislature is the official law-making body of this state; and

WHEREAS, the matters before the Legislature affect every man, woman and child of this state and many involve very complicated issues requiring the full attention and concentration of every member; and

WHEREAS, the legislative chambers are visited regularly by many tourists and citizens of this state, and particularly many school children at impressionable ages, trying to understand the legislative process; and

WHEREAS, the casualness and informality of the members which often prevail in the legislative chambers create the image of lack of concern and interest for their constituents and the conduct of some members is not conducive to the serious atmosphere needed to deliberate on the important matters of state; and

WHEREAS, the House of Representatives feels that there are areas for improvement within its chambers; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That the members of the House of Representatives wish to ob-

serve an appropriate conduct and atmosphere while making their deliberation and do establish the Committee on House Decorum which shall, after careful study, make recommendations for rule changes therefor. Said committee shall serve without pay.

BE IT FURTHER RESOLVED, That the Committee on House Decorum shall be composed of five members of the House of Representatives, appointed by the Speaker of the House, who shall make their findings, conclusions and recommendations to the House of Representatives not later than the 3rd legislative day of the next regular session, at which time the said committee shall be dissolved. The Clerk of the House of Representatives shall furnish necessary clerical help and office space and supplies.

The motion offered by Rep. McKee to suspend the rules and adopt the resolution, H. R. 10, was lost.

The resolution, H. R. 10, was read and referred to the Standing Committee on rules.

Also:

By Rep. Holmes:

H. J. R. 11. ENCOURAGING ALL ALABAMIANS TO SUPPORT THE ECONOMY OF OUR STATE AND NATION THROUGH PURCHASE AND USE OF AMERICAN-MADE PRODUCTS.

WHEREAS, the economic well-being of Alabama and the nation is both directly and adversely affected by the purchase and use of foreign-made goods and products; and

WHEREAS, many of our domestic manufacturers, most particularly in the automotive and related industries, have been forced to close their plants because of foreign competition with a resultant increase in unemployment and detrimental effect on the economy of these areas; and

WHEREAS, regrettably, multi-thousands of American citizens, including those in our own state, continue to purchase foreign-made products despite dire consequences; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to further Alabama's economic interests and to protect the well-being of its citizenry, we herein solicit the support of all Alabamians in setting an example for the nation by buying and using only American-made products and goods.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 11, was adopted.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. J. R. 6, the House adjourned until 11:00 o'clock a.m., Wednesday, January 12, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, January 12, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Bob McKee, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

NOTICE IN WRITING

Rep. Horn filed the following Notice in Writing:

Notice is hereby given, in accordance with House Rule 7, that on the next Legislative Day, a motion will be made to amend the House Rules as follows:

Delete House Rule 31a in its entirety, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a Joint Session of the House and Senate be held at 1:30 P.M. on January 18, 1983, for the purpose of hearing a message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House be named by the Speaker of the House and a committee of three from the Senate be named by the Presiding Officer of the Senate, be ap-

pointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 13. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the acts and journals of this organizational session be bound with the regular session or any special sessions in 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 13, was adopted.

H. J. R. 9 TAKEN UP

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the resolution, H. J. R. 9, which was introduced on the first legislative day and postponed to the second legislative day:

Amend H. J. R. 9 as follows:

On Page 2, Line 7, delete the words "Supreme Court" and insert in lieu thereof the words Retirement Systems.

AMENDMENT ADOPTED

And the amendment was adopted.

On motion of Rep. Johnson (Roy), the resolution, H. J. R. 9 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 14. EXTENDING WARM CONGRATULATIONS TO DR. WILLIAM GROVER SHAMBLIN OF TUSCALOOSA, ALABAMA, UPON THE OCCASION OF HIS 90TH BIRTHDAY.

WHEREAS, it is with utmost pleasure that the Alabama Legislature extends congratulations to Dr. William Grover Shamblin of Tuscaloosa, Alabama, who celebrated his 90th birthday on January 10, 1983; and

WHEREAS, a native of Tuscaloosa, Dr. Shamblin is one of our State's oldest physicians, both in age and in length of practice with his entire active medical career spent in Tuscaloosa and West Alabama; and

WHEREAS, Dr. Shamblin, who also is one of the oldest living graduates of the University of Alabama, was honored on his birthday with a reception attended by family members, many personal friends and a number of well-wishers who extended congratulations to the honoree; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are pleased to join with the

family and friends of Dr. William Grover Shamblin in extending congratulatory commendations to one of Alabama's and Tuscaloosa's most prominent physicians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Dr. Shamblin that he and his family may be aware of our best wishes for many more years and success, good health and happiness.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Reps. Turnham, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 15. MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

WHEREAS, it is with profound sorrow and in deep regret that the Legislature of Alabama notes the death of our longtime friend and colleague, Representative William Deara Edwards of Fort Deposit, Alabama, on August 27, 1982, at the age of 66 years; and

WHEREAS, a native of Elmore County, Representative Edwards attended the public schools of Lowndes County, Bob Jones University, and graduated from Auburn University with a Bachelor of Science degree; and

WHEREAS, following a career of some 20 years in the farm implement business, Mr. Edwards became a cattle farmer in 1958 with an extensive operation in his beloved Lowndes County; he was a past president of both the Lowndes County Farm Bureau and Cattlemen's Association; and

WHEREAS, Mr. Edwards first served in the Alabama Legislature from 1962 to 1966 as Lowndes County Representative; he returned in 1970, following an interim four years as Lowndes County Legislative Agent, and was subsequently twice re-elected to the House of Representatives; and

WHEREAS, during his legislative career, Representative Bill Edwards served on a number of important committees and not only in membership capacity but as chairman and vice chairman as well; in 1973, he was named to Who's Who in Politics in the South and Southwest, and his legislation to aid the blind was included in the Congressional Record; and

WHEREAS, Mr. Edwards additionally served for more than 20 years with the Selective Service System for which he received the Distinguished Service Award; he also was a Mason and a member of the Methodist Church which he served as Lay Speaker and as a Sunday School teacher for more than two decades; and

WHEREAS, in the death of Mr. Edwards, the constituents of House District 83, as well as the entire citizenry of our State, have lost a dedicated public servant whose every effort was directed to the progress, good and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our good friend, Representative William D. "Bill" Edwards of Fort Deposit, Alabama, and extend our most heartfelt sympathy to his devoted wife of 43 years, Mrs. Virginia Spencer Edwards, and to their two sons, all of whom we also treasure as friends and to whom a copy of this resolution shall be sent.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

By Reps. White (L) and Turnham:

H. J. R. 16. COMMENDING COACH BRYAN YATES OF TALLAPOOSA COUNTY'S NEW SITE HIGH SCHOOL.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the remarkable career record of Coach Bryan Yates, current Head Basketball Coach at New Site High School in Tallapoosa County; and

WHEREAS, during Coach Yates' outstanding career which spans some 25 years—23 at New Site High—he holds title to an enviable record of 503 victories with only two losing seasons during this quarter century time frame; and

WHEREAS, Coach Yates has directed his cager teams to the State 1A playoffs on four occasions with two of those teams advancing to the semi-finals; he also has had five county championship teams and five area championships to his credit as well; and

WHEREAS, after attaining his first win in 1956, Coach Yates reached win number 100 in 1961, advancing to 200, 300, 400 and 500 in 1967, 1971, 1975 and 1982 respectively, with a grand total of 503 career victories now in the record books; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Coach Bryan Yates of New Site High School, Tallapoosa County, on his outstandingly successful career as a high school basketball coach.

BE IT FURTHER RESOLVED, That Coach Yates receive a copy of this resolution, tendered in sincere warm praise and regard.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 16, was adopted.

Also:

By Reps. White (L) and Turnham:

H. J. R. 17. CONGRATULATING THE DADEVILLE HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama heartily congratulates Dadeville High School on its outstanding '82 football season which ended

with the Tigers as runner-up for the State 2A Championship; and

WHEREAS, as '81 Titlests, the Tigers this year again went all the way to the finals, playing a 14-game season with only three losses; this outstanding record was achieved in competition with a number of formidable opponents including both a 3A and a 4A team; and

WHEREAS, for Dadeville High School, it was a 338-total-point season against 128 for the opposition, including four fantastic shut-out games; and

WHEREAS, Dadeville High's remarkable season was achieved under the capable leadership of Head Coach Wayne Keahey and coaching staff members Jimmy Burson, Bruce Lowery and Carroll Gulledge, all of whom were together responsible for the Tigers' big winning season as was each and every member of the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Dadeville High School Tigers as runner-up for the 1982 State 2A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Keahey on behalf of his staff and the entire team, with a copy also provided for appropriate school display.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Rep. Wright:

H. J. R. 18. COMMENDING ALABAMA NATIVE, MR. CHARLES WILLIAM (BUTCH) MOORE, JR., OF THE MILWAUKEE BREWERS.

WHEREAS, Mr. Charles William (Butch) Moore, Jr., Right Fielder with the Milwaukee Brewers, is a native of Forestdale, Alabama, and a graduate of Minor High School where he participated in the varsity football, basketball and baseball programs; and

WHEREAS, following graduation, Charlie (Butch) Moore signed with the Milwaukee Brewers to play first with Newark in the minors, followed sequentially by tenures with the Class A Dansville, Indiana, AA Shreveport, Louisiana, and AAA Evansville, Indiana, teams; and

WHEREAS, in 1973, Mr. Moore moved up to the Majors as Right Fielder for the Brewers, the 1982 American League Champions and World Series participants who went all seven games before losing to the Saint Louis Cardinals; and

WHEREAS, Charlie Moore's phenomenal professional baseball career is an extraordinary success story of one of Alabama's most outstanding athletes, one who has indeed brought great credit to himself, his hometown and to the entire State of Alabama, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Charles William (Butch) Moore of the Milwaukee Brewers; we further extend warm congratulations for his accomplishments and direct that he receive a copy of this resolution in token of our sincere praise and regard.

On motion of Rep. Wright, the rules were suspended, and the resolu-

tion, H. J. R. 18, was adopted.

Also:

By Reps. Grouby, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 19. HONORING REPRESENTATIVE PETE TURNHAM AS DEAN OF THE ALABAMA LEGISLATURE.

WHEREAS, it is a distinct honor and privilege for the members of this body to recognize our good friend and colleague, Mr. Pete Turnham of Auburn, Alabama, as Dean of the Alabama Legislature; and

WHEREAS, Representative Turnham's lengthy tenure dates from his 1959 election from Lee County to the House of Representatives for the 1959-63 term, whereupon he has been subsequently re-elected to six additional consecutive terms; and

WHEREAS, now beginning his 25th year, Representative Turnham stands alone among our present membership, both in length of service as well as in dutiful and dedicated representation of his constituents and the entire citizenry of Alabama; and

WHEREAS, Mr. Turnham, who has served on numerous important standing and interim committees, also has served as chairman of the House Education Committee for 20 years; and

WHEREAS, a Chambers County native and a combat veteran of World War II, Representative Turnham is a graduate of Auburn University where he was awarded both bachelor's and master's degrees; he studied additionally while in military service at the University of Paris, also at Pennsylvania State College and was formerly a staff member of Auburn University, and is now owner of Alabama Contract Sales; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express warm affection and regard for our good friend, Mr. Pete Turnham, and further hereby designate him as Dean of the Alabama Legislature.

BE IT FURTHER RESOLVED, That Mr. Turnham be presented with a copy of this resolution in token of friendship and our sincere best wishes.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 20. CONGRATULATING MR. AND MRS. CHARLES ENZER TWEEDY, JR.

WHEREAS, the Legislature of Alabama has noted that in November of 1982, Mr. and Mrs. Charles Enzer Tweedy, Jr., of Walker County, Alabama, celebrated their golden wedding anniversary; and

WHEREAS, Mr. and Mrs. Tweedy were joined in matrimony in November 1932 and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another and to their family, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family, friends and fellow citizens who congratulated this exemplary couple of Walker County, Alabama, with a reception that was held on Friday, the 26th day of November, 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Tweedy that they may know of our congratulations and of our warm wishes for many more happy years together.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 21. CONGRATULATING MR. AND MRS. CARL BURTON.

WHEREAS, the Legislature of Alabama has noted that in November of 1982, Mr. and Mrs. Carl Burton of Walker County, Alabama, celebrated their golden wedding anniversary; and

WHEREAS, Mr. and Mrs. Burton were joined in matrimony in November 1932 and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another and to their family, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family, friends and fellow citizens who congratulated this exemplary couple of Walker County, Alabama, with a reception that was held on Sunday, the 21st day of November 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Burton that they may know of our congratulations and of our warm wishes for many more happy years together.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. R. 22. MOURNING THE DEATHS OF MR. MILFORD A. ALLRED AND MRS. MARGIE ELIZABETH ALLRED OF BREMEN, ALABAMA.

WHEREAS, it is with a deep sense of sadness that the House of Representatives of the Alabama Legislature notes the death of Mr. Milford A. Allred on August 1, 1982, and the death of Mrs. Margie Elizabeth Allred on August 7, 1982; and

WHEREAS, Mr. and Mrs. Allred were ever ready to contribute to the needs of their neighbors and for the progress and betterment of their hometown of Bremen, state and country; and

WHEREAS, the Allreds exhibited throughout their lives those admirable attributes of friendliness, devotion to duty, and concern for their fellowmen. They gained the respect and affection of all who knew them, whether friend or mere acquaintance; and

WHEREAS, their deaths have indeed left a deep void in the Rice's Chapel Community that they both loved and served with unselfish dedication; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we grievously mourn the deaths of Mr. Melford A. Allred and his wife, Mrs. Margie Elizabeth Allred, and extend our most heartfelt sympathy to their family members to whom a copy of this resolution shall be sent.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. R. 22, was adopted.

Also:

By Reps. Zoghby, Harper, Buskey, Box, Kennedy, Clark, Kvalheim, Gaston, Clikas, McMillan, Penry, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

H. J. R. 23. EXTENDING SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF FORMER STATE REPRESENTATIVE GEORGE STEWART OF MOBILE.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature herein extends deepest sympathy to the family of our good friend and former colleague, Representative George Stewart of Mobile, Alabama, whose death occurred on December 30, 1982; and

WHEREAS, Mr. Stewart, a prominent area realtor and a resident of Mobile for some four decades, was educated at Spring Hill College and Livingston State University, and was a United States Air Force veteran who

had served in the Strategic Air Command; and

WHEREAS, a member and vestryman of Saint Luke's Episcopal Church, George Stewart also had long been involved in numerous civic activities which included Mobile Area Chamber of Commerce membership and the past presidencies of the Toastmasters, Optimist and Civitan Clubs; he additionally was a member of the Board of Trustees of the Scottish Rite, the Boards of Directors of Mobile Youth Football as well as the Mims Park Football Association, and was the recipient of the Parent-Teachers Association's Mary England Award; and

WHEREAS, Mr. Stewart's death had indeed left a deep void in his community, and in the lives of all those who knew and loved him as an individual who cared deeply for others and who served in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincerely shared sorrow, we extend our deepest sympathy to the family of our good friend and former colleague, Representative George Stewart of Mobile, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Christine Ann Stewart, that she and their beloved children and other family members may know of our concern for them in their time of such deep sorrow.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

By Reps. Hettinger, Freeman, Butler, Albright and Brooks:

H. J. R. 24. CREATING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as The Madison County Elected Officials Salary Commission, hereinafter called "The Commission." The Commission shall be composed of nine (9) members with four of its members from government, four members from business, and a Chairman. The eight members from business and government shall include one lawyer, a manager, and two salary administrators. Its membership shall be appointed by the Madison County Legislative Delegation. The Chairman shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative support shall be provided by the Madison County Legislative Office.

The objective of the Commission will be to provide information and recommendation regarding salaries of Madison County elected officials. The specific objectives of the Commission shall be described by the Madison County Delegation.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Reps. Hettinger, Freeman, Albright, Richardson, Brooks, Hall and

Butler:

H. J. R. 25. CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of all the colleges and universities which offer baccalaureate or graduate programs in the field of engineering. The commission shall be composed of a representative from each of the following institutions of higher learning: The University of Alabama, the University of Alabama in Birmingham, the University of Alabama in Huntsville, the University of South Alabama, Auburn University, and Tuskegee Institute. Each institutional representative shall be appointed by the respective university president and shall serve at his discretion and without compensation. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

BE IT FURTHER RESOLVED, That, additionally, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state junior, community and technical colleges with specific emphasis on training of technical support personnel for high technology programs. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the Chancellor of the state's junior, community, and technical colleges. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

RESOLVED FURTHER, That, in addition, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state's elementary and secondary schools in the fields of science and mathematics. This assessment shall include: (1) specific recommendations regarding the appropriate number of science and math teachers, (2) measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathematics and (3) programs to promote the overall quality of instruction in the fields of science and mathematics. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the state superintendent of education. The commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 25, was adopted.

ELECTION RETURNS

The House then proceeded to witness the opening of the returns, the counting, the ascertaining and proclaiming the results of the votes cast for constitutional officers of the State of Alabama at the election held on the first Tuesday after the first Monday in November, 1982, being the second day of November in the Year of our Lord One Thousand Nine Hundred and Eighty-two.

RESULTS OF ELECTION

The Speaker of the House proclaimed the results of the November 2, 1982 election as follows:

FOR GOVERNOR	VOTES RECEIVED
(AC) Leo F. Suiter received	17,936
(AD) George C. Wallace received	650,538
(AL) Henri Klingler received	7,671
(AP) John F. Dyer received	4,364
(AR) Emory Folmar received	440,815
(SWP) Martin Boyers received	2,578
(NDPA) John L. Jackson received	4,693
FOR LIEUTENANT GOVERNOR	
(AD) Bill Baxley received	741,519
(AP) Donald Ray Johnson received	48,625
FOR ATTORNEY GENERAL	
(AD) Charles A. Graddick received	716,579
FOR SECRETARY OF STATE	
(AD) Don Siegelman received	737,816
(AP) Edna L. Bowling received	33,955
FOR STATE TREASURER	
(AD) Annie Laurie Gunter received	737,576
(AP) Theresa E. Donahoo received	28,553
FOR STATE AUDITOR	
(AD) Jan Cook received	753,117
(AP) Minnie D. Peoples received	23,961
FOR COMMISSIONER OF AGRICULTURE AND INDUSTRIES	
(AD) Albert McDonald received	671,237

WRITE IN VOTES FOR STATE OFFICES

GENERAL ELECTION—NOVEMBER 2, 1982

GOVERNOR

COUNTY	NAME	VOTES RECEIVED
AUTAUGA	George McMillan	1
BALDWIN	George McMillan	1
CLEBURNE	Gerald Dial	1
DeKALB	Irby C. Harris	1
	George McMillan	4
	Robert Moses	1
	Randy Owens	1
	Gaynell Pitts	1
	William Sharp	1
ELMORE	Carlton Clark	2
	Fob James	1
	George McMillan	1
	Madora Walker	2
	Franklin D. Young	1
GREENE	George McMillan	3
HOUSTON	George McMillan	1
JACKSON	Wiley Snodgrass	1
JEFFERSON	Squekey Bass	1
	Hugh Boles	1
	Donnie Callahan	2
	Mary Ellen Dichl	1
	Huey Gardner	1
	Jack Griffis	1
	Fob James	2
	Frank M. Johnson, Jr.	1
	George D.H. McMillan, Jr.	1
	George McMillan	31
	Larry Newsome	1
	Alice Nunnally	4
	Samuel J. Pezillo	1
	"Shorty" Price	1
	Gretchen Reeves	1
	Albert L. Smith	1
	Don E. Stagg	1
	Frank Thomas, Jr.	1
	David Vann	2
LAUDERDALE	George McMillan	1
LEE	Huey Gardner	1
	Bill Harris	1
	George McMillan	12
	Jack Simms	1

MACON	Louis Maxwell	1
MADISON	Geo. McMillan	7
MARSHALL	McMillan	1
MOBILE	George McMillan	5
	Charles Dema Norton	1
MONTGOMERY	Larry Dixon	1
	Melvin Harris, Jr.	1
	George McMillan	4
MORGAN	McMillan	1
PERRY	George McMillan	1
	Marcus Moore	1
PICKENS	Murry L. Jones	2
	Martha Leatherwood	1
	Earl W. Neal	2
RUSSELL	Fob James	1
SUMTER	"Write-In"	3

LT. GOVERNOR

BUTLER	George McMillan	2
DeKALB	Albert Brewer	1
	Sonny Callahan	1
	Jeff Cook	1
	Kenneth Hammonds	2
ELMORE	Bear Bryant	1
	Warren Stalnaker	1
JEFFERSON	Sonny Callahan	6
	Maude Collier	1
	Maureen Crow	2
	Gen. Walter J. Crack Hannah	1
	Hiram J. Horece	1
	Jeffrey Lynn Luther	1
	George McMillan	2
	Mickey Mouse	1
LEE	Aubie	1
	Bear Bryant	1
	Clyde Cook	1
MOBILE	Bill Baxley	1
MONTGOMERY	Paul Bear Bryant	2
	Guy Hunt	1
	Fob James	1
	Tony Newsome	1

	Robert Reed	2
MORGAN	Kenneth B. Cole	1
	Terry Frame	2
	Edward Mauldin	1
	Barrett Shelton	1
PICKENS	Sonny Callahan	2
	Donald Duck	1
ST. CLAIR	Pat Dye	1
SUMTER	"Write In"	2
WILCOX	Billy Joe Camp	1
	Mickey Mouse	1
	Tommy Poole	1
	ATTORNEY GENERAL	
JACKSON	"OTHER"	95
JEFFERSON	Charles A. Graddick	1
	Michael L. McInturff	1
	Walter W. Tyner.	1
LAUDERDALE	John T. Dyer	2
LEE	Julian McPhillips	1
LIMESTONE	Fred Simpson	1
MARSHALL	Don Velaska	1
MOBILE	Walter Bodden, Jr.	1
	Cathy McTuillen	1
MONTGOMERY	Bill Dunn	1
	James H. Evans	2
	Jimmy Evans	3
	Barry Leavell	1
	George McMillan	1
	Julia McPhillips	4
MORGAN	Kenneth B. Cole	1
	Barrett Shelton	1
PICKENS	Earl Neal	1
SUMTER	"WRITE IN"	8
	SECRETARY OF STATE	
JEFFERSON	Don Siegelman	1
LIMESTONE	Marshall Zapata	2
MONTGOMERY	Gordon Tucker	1

SUMTER	"WRITE IN"	3

STATE TREASURER

ELMORE	Melba Till Allen	1
JACKSON	"Other"	6
JEFFERSON	Annie Laura Gunter	1

STATE AUDITOR

BUTLER	Kay Ivey	1
ELMORE	Kay Ivey	1
JACKSON	"Other"	2
JEFFERSON	Jan Cook	1
	Charles S. Crew	1
	Marjorie Gunter	1
MONTGOMERY	Bob Muncaster	1
WILCOX	Kay Ivey	8

COMMISSIONER OF AGRICULTURE AND INDUSTRIES

MONTGOMERY	Gordon Tucker	1
PICKENS	Earl Neal	1
	Bubba Trotman	1
SUMTER	"Write-In"	4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

Amendment to Senate Joint Resolution 28:

On p. 2 line 7 delete the words "supreme court" and insert in lieu thereof the words "Retirement Systems."

By Teague:

S. J. R. 28. EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

WHEREAS, The Supreme Court of Alabama on September 17, 1982, ruled that the Retirement Systems of Alabama were not public corporations, and

WHEREAS, in issuing its ruling the Court attempted to determine legislative intent and based its ruling upon legislative intent, and

WHEREAS, the Court ruling has raised serious questions regarding the

legality of the Retirement Systems' approximately $3 billion in investments in light of the prohibitions contained in Section 93 of the Constitution of Alabama of 1901, against the state investing in corporate securities, and

WHEREAS, the Legislature intended to create, and has always considered, the Retirement Systems to be public corporations, with all the rights, duties, powers, and privileges of public corporations and in fact expressly stated in the creating legislation that the Retirement Systems "shall have the powers and privileges of a corporation," and

WHEREAS, the Retirement Systems has requested that the Supreme Court reconsider its opinion and to find the Retirement Systems to be public corporations, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby restates its belief that the Retirement Systems of Alabama were created as public corporations with all rights, powers, duties, and privileges thereof and expresses its intent that the Retirement Systems be considered public corporations with all the powers and privileges of a corporation, and

BE IT FURTHER RESOLVED, That the Supreme Court of Alabama be provided a copy of this resolution.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 28, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 3. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said committee ascertain from His Excellency, the Governor, if he desires to address a Joint Session of the Legislature.

BE IT FURTHER RESOLVED That, in the event the Governor so desires, said Committee serve as a committee to escort the Governor to the House Chamber for the Joint Session.

And the President Pro Tempore of the Senate has appointed as Com-

mittee on part of the Senate Sens. Denton, Smith (J), and Foshee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Foshee, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 5. EXPRESSING THE SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF BERRY LYNCHMORE CANTRELL.

WHEREAS, One of the most colorful and popular figures to grace the legislative halls of the Capitol in recent memory was former senator Berry Lynchmore Cantrell; and

WHEREAS, Mr. Cantrell, more recently with the security staff of the Senate, made himself an indispensable member of the staff and friend to each member of the Senate; and

WHEREAS, Mr. Cantrell, originally from Marion County, served in the 1955-59 Senate during the Folsom administration, and a term in the House during the first Wallace administration; he was also a deputy prison commissioner, and ran for the presidency of the Public Service Commission; and

WHEREAS, Since the inception of the security system in the Senate, Mr. Cantrell had served as its chief, utilizing his strict Marine training in the enforcement of rules regarding privileges of the floor, dress code, and general conduct; and

WHEREAS, After a valiant battle against cancer, Mr. Cantrell died in September, leaving a real void in the Capitol halls and in the hearts of his many friends; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we express our gratitude for the privilege of having known and loved Berry Lynchmore Cantrell; we will miss his fierce protection of the dignity of the legislative process, his perceptive wit, but, more importantly, his friendship.

BE IT FURTHER RESOLVED That we extend our heartfelt sympathy to his widow, Imogene, to his daughter, Martha C. Faulkner, and his son, Berry Lynchmore Cantrell, Jr.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 6. COMMENDING OUR COLLEAGUE, MRS. ANN BEDSOLE, AND WELCOMING HER AS A MEMBER OF THE ALABAMA SENATE.

WHEREAS, this Organizational Session of the 1983 Legislature is an historic occasion for the State of Alabama in that our good friend and colleague, Mrs. Ann Bedsole of Mobile, takes a seat as the "First Lady" of the Senate; and

WHEREAS, to become the first woman ever to be so elected is a milestone in itself, but it is a bonus in the esthetic sense, translating into "lagniappe" for the Senate Chamber which now houses a beauty among its beasts; and

WHEREAS, in a serious vein, however, it is to be noted that Mrs. Bedsole comes to the Senate with solid credentials of experience and dedicated ability following her accomplished four-year term in the Alabama House of Representatives from District 101 in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly praise and commend Mrs. Ann Bedsole of Mobile as a prominent and effective public servant whom we now proudly address as Senator Bedsole.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Bedsole in token of our sincere friendship and with warmest regards.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford,

Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 7. COMMENDING MR. AL FOX, FORMER DEAN OF THE CAPITOL PRESS CORPS, AND DESIGNATING MR. FOX AS HONORARY MEMBER OF THE ALABAMA SENATE.

WHEREAS, the recent retirement of Mr. Al Fox as political writer for the Birmingham News brought to a close his brilliant career as an outstanding journalist, one who has been honored for achievement on numerous occasions through the years; and

WHEREAS, an alumnus of the University of Tennessee, Mr. Fox also is a retired United States Navy Commander and was associated with The News for the last two decades of his journalistic career; and

WHEREAS, Mr. Fox's accolades include such prestigious recognitions as the Birmingham News "Big N" Award and TSU's Hector Award as well as a number of professional honors bestowed by the Associated Press; and

WHEREAS, it has been the good fortune of many within this membership to have been associated with Al Fox both as a friend and through his assignment to the Capitol, a tenure which ultimately led to his senority designation as Dean of the Capitol Press; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Al Fox for outstanding journalistic achievement and, in further recognition, do hereby name and designate Mr. Fox as an honorary member of the Alabama State Senate.

BE IT FURTHER RESOLVED, That "Senator" Fox receive a copy of this resolution in token of our warm affection and regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 7, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Kirkland:

S. J. R. 8. COMMENDING MR. BAXLEY RAINES, FFA AMERICAN FARMER AWARD RECIPIENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 8, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 10. HONORING COACH PAUL WILLIAM BRYANT UPON HIS RETIREMENT AS HEAD FOOTBALL COACH FOR THE ALABAMA CRIMSON TIDE.

WHEREAS, it is with deep regret that the Alabama Legislature notes the retirement of Coach Paul William Bryant as Head Football Coach at the University of Alabama, a position he held for the last 25 years of a brilliant and incomparable 38-year career; and

WHEREAS, Coach Bryant's journey into greatness as the winningest coach of all time was brightly lit along the way by 323 victories, the last in his final game against Illinois in the Liberty Bowl; it is a record perhaps never to be broken by any other major college coach; and

WHEREAS, other milestones to Coach Bryant's credit, marking his climb to the summit, are records that were made and broken from Maryland to Alabama, by way of Kentucky and Texas A & M; and

WHEREAS, statistically to his glory are: Six national championships, all at Alabama; 29 bowl games, including 24 straight for his Alma Mater; three National Coach of the Year Awards; eight SEC Coach of the Year Awards; a legion of Bryant-coached players who have flooded the ranks of professional football; and an incredible roster of more than 45 former players and assistants who themselves have become head coaches; and

WHEREAS, an enumeration of all his accolades would be both endless and repetitive but a very recent honor was his selection as National Alumnus of the Year by Sigma Nu fraternity; this prestigious award was presented during ceremonies attended by his son and grandson—both of whom also share fraternal kinship with Coach Bryant; and

WHEREAS, that Coach Bryant possesses genius is undisputed; his true greatness, however, is an illusive quality and a rare combination of many—an empathy, understanding and deep care for his players which transcends the gridiron to ultimately reflect such attributes as honor, acceptance of responsibility and a uniqueness for accomplishment; and

WHEREAS, though we deeply regret Coach Bryant's retirement, we are at the same time positive in our respect for his decision and in admiration of his loyalty and love for the University of Alabama; he has walked in the way of honor, served in the light of truth and he has indeed made us proud; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in profound regard and unbounded admiration, we today pay tribute to Coach Paul Bryant, a man

whose fame we presume to share but whose nobility is his alone.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 11. EXTENDING A WARM WELCOME TO COACH RAY PERKINS AS HEAD FOOTBALL COACH FOR THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE.

WHEREAS, the Legislature of Alabama notes with commendation and in pleased concurrence the selection of Coach Ray Perkins for the position of Head Football Coach at the University of Alabama; and

WHEREAS, as Coach Perkins returns to Alabama and to his beloved Alma Mater, he brings with him a long list of impressive credentials which run the gamut from High School All-American to Head Coach of the New York Giants; and

WHEREAS, Coach Perkins is a native of Mount Olive, near Petal, Mississippi, and, of course, a former standout receiver for the Crimson Tide where he learned the ABC's of discipline, persistence and winning at the knee of his mentor, Coach Paul Bryant; and

WHEREAS, he was a member of two Crimson Tide National Championship teams, All-American in 1966, and in the Orange Bowl on January 1, 1966, caught a record 10 passes in the first half of the Tide's 39-28 victory over Nebraska; and

WHEREAS, following a five-year stint as a professional with the Baltimore Colts, Ray Perkins began his coaching career at Mississippi State; he joined the coaching staff at Boston a year later, also coached at San Diego, and has been Head Coach for the Giants for the past four years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a warm and joyous "Welcome Home" to Coach Ray Perkins, Head Coach of the University of Alabama's Crimson Tide.

BE IT FURTHER RESOLVED, That Coach Perkins receive a copy of this resolution that he may be aware of our great pride and pleasure in his

"homecoming," in every sense.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 12. MOURNING THE DEATH OF DR. ROBERT JOSEPH NICOLOSI OF THE UNIVERSITY OF ALABAMA MUSIC FACULTY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 12, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Keener:

S. J. R. 18. COMMENDING THE HONORABLE HOBDY G. RAINS UPON HIS RETIREMENT AS CIRCUIT COURT JUDGE OF THE 16th JUDICIAL CIRCUIT, ETOWAH COUNTY.

Also:

By Mr. Goodwin:

S. J. R. 16. COMMENDING MR. SAM DEJARNETTE OF SELMA, ALABAMA.

Also:

By Mr. Holmes:

S. J. R. 15. CONGRATULATING THE OXFORD HIGH SCHOOL YELLOW JACKETS ON AN OUTSTANDING FOOTBALL SEASON.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 16, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Crow, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 15, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Mitchell, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 19. MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

WHEREAS, it is with profound sorrow and in deep regret that the Legislature of Alabama notes the death of our longtime friend and colleague, Representative William Deara Edwards of Fort Deposit, Alabama, on August 27, 1982, at the age of 66 years; and

WHEREAS, a native of Elmore County, Representative Edwards attended the public schools of Lowndes County, Bob Jones University, and graduated from Auburn University with a Bachelor of Science degree; and

WHEREAS, following a career of some 20 years in the farm implement business, Mr. Edwards became a cattle farmer in 1958 with an extensive operation in his beloved Lowndes County; he was a past president of both the Lowndes County Farm Bureau and Cattlemen's Association; and

WHEREAS, Mr. Edwards first served in the Alabama Legislature from 1962 to 1966 as Lowndes County Representative; he returned in 1970, following an interim four years as Lowndes County Legislative Agent, and was subsequently twice re-elected to the House of Representatives; and

WHEREAS, during his legislative career, Representative Bill Edwards served on a number of important committees and not only in membership capacity but as chairman and vice chairman as well; in 1973, he was named to Who's Who in Politics in the South and Southwest, and his legislation to aid the blind was included in the Congressional Record; and

WHEREAS, Mr. Edwards additionally served for more than 20 years with the Selective Service System for which he received the Distinguished Service Award; he also was a Mason and a member of the Methodist Church which he served as Lay Speaker and as a Sunday School teacher for more than two decades; and

WHEREAS, in the death of Mr. Edwards, the constituents of House District 83, as well as the entire citizenry of our State, have lost a dedicated public servant whose every effort was directed to the progress, good and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death

of our good friend, Representative William D. "Bill" Edwards of Fort Deposit, Alabama, and extend our most heartfelt sympathy to his devoted wife of 43 years, Mrs. Virginia Spencer Edwards, and to their two sons, all of whom we also treasure as friends and to whom a copy of this resolution shall be sent.

McDOWELL LEE,
Secretary.

On motion of Rep. Thomas, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 19, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration.

By Mr. Kirkland:

S. J. R. 20. COMMENDING MR. LAVON BRADLEY OF ESCAMBIA COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 20, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Bedsole, Menton, and Figures:

S. J. R. 21. NAMING THE "SPOIL" ISLAND IN MOBILE BAY, EAST OF THE MAIN SHIP CHANNEL AND NORTH OF THE DIAGONAL THEODORE SHIP CHANNEL, THE "WILSON GAILLARD ISLAND."

WHEREAS, the reality of Theodore Industrial Park forecasts an economic boom for Alabama's Mobile area by ultimately employing 4,800 persons, providing an additional 11,000 satellite jobs and creating an annual purchasing power of some $200 million; and

WHEREAS, in dredging the Theodore Ship Channel, a "spoil" island was created in Mobile Bay by the dredged materials; this island now is a tremendous environmental asset to the entire area and is primarily the result of the dedicated efforts of Dr. Wilson Gaillard of Mobile; and

WHEREAS, before recommending the island as the channel spoil, and for future spoil, Dr. Gaillard first rented an island himself to experiment and explore the feasibility of success for such an undertaking; and

WHEREAS, that this has been accomplished is evidenced by the return of brown pelicans and other birds which now nest there, and marsh grass

planted by Dr. Gaillard also has created feeding grounds for shrimp and other seafood as well; and

WHEREAS, it is the consensus of this body that appropriate recognition is mandated for the designer and creator of this island which has in effect saved the environmental aspects of Theodore while promoting new jobs and industries—the great balance between mankind and nature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation and recognition of the contributions of Dr. Wilson Gaillard to our state, we hereby name and designate the island in Mobile Bay, 1,300 acres more or less, constructed of material collected from the dredging of the Theodore Ship Channel and located East of the main ship channel and North of the diagonal Theodore Ship Channel, the "Wilson Gaillard Island."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said island as the "Wilson Gaillard Island."

RESOLVED FURTHER, That a copy of this resolution be provided for Dr. Wilson Gaillard in token of our sincere regard and as a memento of this honorary designation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kvalheim, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 21, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Barron and Mitchem:

S. J. R. 22. DESIGNATING THE WEEK OF JUNE 5, 1983 AS "ALABAMA" WEEK IN HONOR OF THE RENOWNED COUNTRY MUSIC GROUP, "ALABAMA"

WHEREAS, the country music group called "Alabama" is distinguished in its achievement and has claimed worldwide recognition in the field of country music; and

WHEREAS, the Alabama Legislature notes with inordinate pride that three of the group's members, Jeff Cook, Teddy Gentry and Randy Owen, are all natives of DeKalb County, Alabama, who along with their associate, Mark Herndon, have focused the eyes of the world in favorable identification with the State of Alabama; and

WHEREAS, it is to be further noted that many of the group's hit recordings, such as "My Home's In Alabama," "Tennessee River," and "Christmas in Dixie," among others, reflect "Alabama's" close ties with their native State and Southland; and

WHEREAS, "Alabama" has made numerous nationally-televised ap-

pearances and in addition has been variously and often honored with such prestigious nominations and designations as Country Music's Vocal Group of the Year, Instrumental Group of the Year and Entertainer of the Year, as well; and

WHEREAS, the group, commendably, also performs on behalf of many benevolent causes including the annual June Jam held in Ft. Payne, Alabama, for which all proceeds are donated to worthwhile charities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabama's own "Alabama" for outstanding achievement in the field of country music and, in appreciation thereof, do hereby name and designate the week of June 5, 1983, as "Alabama" Week in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to "Alabama" in token of our admiration and regard and as a memento of this honorary designation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 4. CREATING A LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That there is hereby created a joint committee to work with the State Capitol Police in assigning parking places to members of the Legislature. Said committee shall consist of three members of the House, to be appointed by the Speaker, and three members of the Senate, to be appointed by the Presiding Officer of the Senate.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Smith (B), Smith (J), Mitchem, Cooley, Aldridge, Cabaniss,

Denton, Teague, Parsons, deGraffenried, Little, Dixon, Mitchell, Bedsole, Holmes, and Bailey:

S. J. R. 13. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee to be composed of nine members of the House of Representatives and nine members of the Senate to be appointed by the respective officers of each house. The chairman and vice chairman of the committee shall be appointed from among its legislative members. The committee shall study any and all aspects of industrial expansion, economic growth and development, and jobs in the state and make recommendations to the legislature for the improvement of these same areas.

RESOLVED FURTHER, That the committee shall be empowered to appoint non-members of the legislature with expertise in the specific areas of the committee's responsibilities to assist it. Such persons shall be entitled to their reasonable expenses incurred as a result of such service to the State which shall be paid out of funds appropriated to the use of the legislature.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of any Regular Session or at any special session called for the purpose. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Out of state travel will be allowed for the members of the committee but must be approved by the chairman of the committee and the Lieutenant Governor for the members of the Senate and the Speaker for members of the House. The total of all expenses for legislative and non-legislative members shall not exceed $30,000.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 13, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 9. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study any and all aspects of the State Constitution and its revision, in whole or in part, and to prepare drafts therefor for introduction and consideration by the legislature. The committee shall be composed of 14 members as follows: Seven members of the Senate appointed by the Lieutenant Governor, who shall be the chairman and the Senate members of the Standing Committee on Constitutional Revision, and seven members of the House of Representatives appointed by the Speaker. The Committee shall elect a chairman and a co-chairman of the committee from among its members. The chairman or co-chairman shall preside over the meetings of the committee. The committee shall meet upon the call of its chairman or upon the written request of seven or more members.

The committee shall study any and all aspects of the State Constitution and shall prepare drafts therefor for introduction and shall report its findings, comments and suggestions to the legislature on the first legislative day of the next regular session or at any special session, called for the purpose of revising in whole or in part the Constitution, of the legislature.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session upon approval of the chairman and warrant issued according to law. Provided, however, said members shall not be paid for days on which they otherwise receive legislative pay. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 9, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the following be adopted as the Joint Rules of the two Houses for the quadrennium 1983 - 1986, to-wit:

JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA
1983

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify

the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one copy of the notice and proof thereof attached to the bill.

4. No bill amending a section or part of the Code by reference to the section or other subdivision of the Code shall be introduced into either house unless the title thereof contains a brief statement of the general subject, independent of references to the Code section, to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number of the bill and time of delivery, which shall be spread upon the Journal.

6. All official printed legislative documents placed in the custody of the Clerk of the House and the Secretary of the Senate shall be assigned a number by the Secretary or the Clerk and the number, year and the session shall clearly appear on the title page of the document.

7. The printer shall print fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

8. The privileges of the floor of both houses are accorded the Directors and employees of the Department of Archives and History and the Legislative Reference Service and the Legislative Fiscal Officer and employees of the Legislative Fiscal Office in aid of the reference work required by law to be done for members of the Legislature.

9. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

10. During the period between the end of a regular session and the convening of the next regular session, except for the period between the end of the last regular session in the quadrennium and the general election, members may deliver bills to the Clerk or Secretary. This shall be known as "pre-filing." Such bills shall be numbered by the Clerk or Secretary in the order of receipt and otherwise processed for introduction when the regular session has been convened. Pre-filed bills shall be assigned by the presiding officer to a standing committee for study and shall be formally referred to the same committee upon commencement of the regular session.

11. Resolutions of sympathy, commendation or congratulations shall be by House resolution or by Senate resolution and shall be filed with the Secretary of the Senate or the Clerk of the House who shall cause the respective journals to reflect that such resolution was filed by inserting the title thereof in their respective journals; the Secretary or the Clerk, respectively, shall prepare appropriate copies for distribution; provided, however, by suspension of the rules such resolutions shall be made a part of the journals.

12. (a) No bill amending an existing statute shall be accepted for in-

troduction in the Legislature unless: (1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" x 14" paper with numbered, double-spaced lines.

(d) The provisions of this rule shall not apply to local bills.

13. All bills, except local bills, introduced in the House and Senate shall have printed at the top of the bill a brief synopsis of the contents.

14. All members of the House and Senate, the press corps, employees of the two houses and any guests or visitors in the balconies of each house are prohibited from carrying a firearm or any other thing that might be construed to be a lethal weapon while in the House or Senate Chambers or any place on the second or third floor of the Capitol. This rule will not apply to employees of the two houses who are security officers.

RULES RELATING TO COMMITTEES

15. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house.

The Committee of Conferees shall report substantially as follows:

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill/Senate Bill _____ have met, considered the matter, and agreed to the following:

(Example: Substitute for H.B./S.B. ___ is attached).

(Example: Amend H.B./S.B. ___ as follows:)

_____
Name

_____
Name

_____
Name

CONFEREES OF THE HOUSE

_____
Name

_____
Name

_____
Name

CONFEREES OF THE SENATE

RULES RELATING TO LOBBYING

16. Those Required to Register. All persons, except members of the Alabama Legislature, who seek to encourage the passage, defeat or modification of any legislation in either House of the Legislature or before its committees shall, before engaging in such activities, register with the Secretary of the Senate and the Clerk of the House, respectively. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature. This rule includes all persons representing any segment of municipal, county, state or federal government, or municipal, county, state, or federal government employees, and employees of newspapers, magazines, or journals, that are compensated by any person, firm, corporations, or associations other than the news media by which they are employed.

17. Method of Registration. Each calendar year every such person shall register on forms prepared by the Secretary and Clerk, respectively, and shall state his name and business address, the name and business address of his principal or principals, the general and specific areas of his legislative interests, and the duration of his agency.

No registered lobbyist shall be permitted upon the floor of either house while it is in session, except as otherwise provided.

18. Registration Exception. Any person who, on an isolated basis and without intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or oppo-

sition to any legislation, and who shall so declare to the members of any committee, or to the committee as a whole, with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

19. Obligations of Lobbyist. A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

20. Rules Committee Advisory Opinions. A lobbyist, when in doubt about the applicability and interpretation of this rule in a particular context, may submit in writing a statement of the facts involved to the Joint Committee on Rules and may appear in person before said committee.

21. Penalties for Violations. Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of these rules shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Legislature. Said determination shall be made by a majority of the respective House upon recommendation of the Joint Committee on Rules. The Joint Committee on Rules, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this rule and granting such person an opportunity to appear at the hearing.

22. Secretary to Provide Forms. The Secretary of the Senate or the Clerk of the House shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

23. Committees to be Diligent. Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

SENATE MESSAGE

The resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

JOURNAL APPROVAL

On motion of Rep. Holley, the reading at length of the Journal of the House for the first legislative day was dispensed with and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 26. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim between approval date of this resolution and the opening day of the 1983 regular session of the Legislature, during which period the members, including ex officio members and the chairman and vice-chairman shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. It shall be the duty of the committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and nine members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means Committee shall be Vice Chairman. The Chairman of Finance and Taxation and Chairman of Ways and Means shall set the schedule and program for committee work. The said Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session. Upon the submission of the final report, the Committee shall stand dissolved.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Rep. Waggoner:

H. R. 27. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That pursuant to Notice in Writing previously filed House Rule 57 is hereby amended by adding thereto as follows:

This rule however, will not apply to Local Legislation No. 2, which is empowered to make its own rules of procedure.

Rep. Waggoner offered the motion to suspend the rules and adopt the resolution, H. R. 27.

SUBSTITUTE MOTION

Rep. Payne offered the substitute motion to indefinitely postpone the resolution, H. R. 27.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION ADOPTED

Rep. Manley offered the substitute to the substitute motion to temporarily postpone consideration of the resolution, H. R. 27, and the substitute motion was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 28. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, BOTH HOUSES THEREOF CONCURRING, THAT WHEN THE HOUSE ADJOURNS TODAY, WEDNESDAY, JANUARY 12, 1983, IT ADJOURNS TO MEET AGAIN ON TUESDAY, JANUARY 18, 1983, at 12:00 NOON.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 29. COMMENDING MRS. O'BYRNE JONES WHITLEY OF BAY MINETTE, BALDWIN COUNTY, STATE OF ALABAMA, UPON HER RETIREMENT.

WHEREAS, on January 21, 1983, Mrs. O'Byrne Jones Whitley will end an outstanding career with the Baldwin County Commission which spans ten years of dedicated service; and

WHEREAS, she began her service as Acting County Clerk/Treasurer on January 6, 1973 and on February of that same year was appointed Assistant County Clerk/Treasurer; and

WHEREAS, she was responsible for the direct supervision of the Purchasing and Accounting Personnel within the Baldwin County government, during the time when the county experienced rapid growth, and

WHEREAS, she has been influential in the establishment of an uniform accounting, investment, financial program for the county while keeping all accounts payable current on a thirty (30) day basis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. O'Byrne Jones Whitley on her outstanding loyal and dedicated career. We congratulate her on her retirement, and wish her well in all future endeavors, and direct that she receive a copy of this resolution as evidence of this bodies deep appreciation and esteem.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 29, was adopted.

ANNOUNCEMENT OF STANDING COMMITTEES OF THE HOUSE

The Speaker announced the following Standing Committees of the House:

RULES

John Casey—Chairman; William Clark—Vice Chairman; Joe Goodwin, Hugh Boles, Jim Preuitt, Roger Dutton, Jimmy Warren, Albert Hall, Bill Drinkard, J. E. Turner, Joe Carothers, Jerome Tucker, Bryant Melton, Roy Johnson, Nolan Williams.

WAYS AND MEANS

Tom Coburn—Chairman; Jimmy Holley—Vice Chairman; Walter Owens, Jabo Waggoner, Pete Turnham, Sonny Moore, Taylor Harper, Dewayne Freeman, Yvonne Kennedy, James Sasser, Alvin Holmes, John Rogers, Bill Bowling, Tom Nicholson, Phil Poole.

JUDICIARY

Charles Langford—Chairman; Rick Manley—Vice Chairman; Nathan Mathis, Mike Box, James Campbell, Bobby Junkins, Jim Bennett, Jeri Thornton, Ham Wilson, Jr., Al Johnson, Glen Browder, Morris Brooks, Richard Laird, Loyd Coleman, Bob Albright.

STATE ADMINISTRATION

A. J. Blake—Chairman; George Layton—Vice Chairman; George Grimsley, Thomas Reed, Max Newman, Charles Ashley, Loyd Coleman, Jimmy Wright, Ed Grouby, Frank White, Paul Parker, David Stout, Earl Mitchell, Mann Minus, Seth Hammett.

BUSINESS AND LABOR

Bob Albright—Chairman; Loyd Coleman—Vice Chairman; Walter Penry, A. J. Blake, Bobby Crow, Bill Drinkard, Charles Ashley, Jeri Thornton, Ben Richardson, Asbury Howard, Richard Laird, Lester White, Duane Lewis, Bryant Melton, Hoyt Trammell.

HEALTH

Jack Biddle—Chairman; Joe Carothers—Vice Chairman; George Layton, Van Scott, J. E. Turner, James Thomas, Ron Johnson, Lester White, Steve Flowers, Tom Butler, John Rice, Bobby Junkins, Pat Davis, George Seibels, Bob Harvey.

BANKING

Rick Manley—Chairman; James Campbell—Vice Chairman; Steve Flowers, Bob Harvey, Steve Hettinger, David Stout, Fred Horn, John Rice, Tom Nicholson, Sundra Escott, Joe Ford, John Starr, Charles Martin, Ham Wilson, Jr., Duane Lewis.

INSURANCE

Carl Brakefield—Chairman; Walter Owens—Vice Chairman; Mann Minus, Phil Poole, Jim Bennett, John Rice, James Campbell, George Seibels, Bob McKee, George Grimsley, James Buskey, Steve Flowers, Ben Richardson, Yvonne Kennedy, James Sasser.

EDUCATION

Pete Turnham—Chairman; Jim Bennett—Vice Chairman; James Buskey, Bob Albright, Carl Brakefield, David Stout, Paul Parker, Hugh Boles, Asbury Howard, Duane Lewis, Richard Laird, Jack Lauderdale, Morris Brooks, Max Newman, Victor Gaston.

AGRICULTURE AND FORESTRY

Curtis Smith—Chairman; Bob Harvey—Vice Chairman; Albert Hall, Dwight Faulk, Roger Dutton, Ben Richardson, Nathan Mathis, Euclid Rains, Bill Bowling, Harrell Blakeney, Walter Penry, Jim Preuitt, Howard Nevett, George Grimsley, Frank White.

NATURAL RESOURCES

Tommy Carter—Chairman; Dwight Faulk—Vice Chairman; Bobby Crow, Victor Gaston, William Clark, Steve Clikas, Don Murphy, Steve McMillan, Walter Penry, Taylor Harper, Paul Parker, Tom Butler, Nolan Williams, Ed Grouby, Jack Lauderdale.

PUBLIC WELFARE

Thomas Reed—Chairman; Ben Richardson—Vice Chairman; Euclid Rains, George Grimsley, Seth Hammett, Mary Zoghby, Tom Butler, Nelson Starkey, Ken Kvalheim, Howard Nevett, Don Murphy, Arthur Payne, Jack Venable, Curtis Smith, Bobby Crow.

CONSTITUTION AND ELECTIONS

Fred Horn—Chairman; Glen Browder—Vice Chairman; Jack Venable, Ken Kvalheim, Jack Lauderdale, Al Johnson, Mike Box, Jim Bennett, Earl Mitchell, Charles Adams, Ed Grouby, Mary Zoghby, Nelson Starkey, Noopie Cosby (W. F.), Rick Manley.

PUBLIC UTILITIES AND TRANSPORTATION

Joe Goodwin—Chairman; Earl Mitchell—Vice Chairman; Carl Brakefield, Jenkins Bryant, Sonny Moore, James Thomas, Jimmy Wright, Jim Preuitt, Don Murphy, Bob McKee, Ken Kvalheim, Pat Davis, Hoyt Trammell, Max Newman, Noopie Cosby (W. F.).

COMMERCE AND INDUSTRIAL DEVELOPMENT

Charles Adams—Chairman; Yvonne Kennedy—Vice Chairman; John Rice, Walter Owens, Charles Ashley, Dewayne Freeman, Jimmy Wright, Bob Harvey, David Stout, Bobby Junkins, Walter Penry, Steve Hettinger, Mann Minus, James Buskey, Paul Parker.

LOCAL GOVERNMENT

Charles Martin—Chairman; Sundra Escott—Vice Chairman; George Seibels, John Starr, Steve Clikas, Steve Hettinger, Jabo Waggoner, Nelson Starkey, Victor Gaston, Van Scott, David Stout, Jenkins Bryant, Harrell Blakeney, Seth Hammett, Jack Venable.

MILITARY AFFAIRS

Joe Ford—Chairman; Max Newman—Vice Chairman; Jeri Thornton, Nelson Starkey, George Grimsley, Arthur Payne, Bob McKee, Sundra Escott, George Seibels, Ed Grouby, Seth Hammett, Don Murphy, Mary Zoghby, Bryant Melton, Ron Johnson.

HIGHWAY SAFETY

Alvin Holmes—Chairman; Arthur Payne—Vice Chairman; Bob McKee, Duane Lewis, Mary Zoghby, Howard Nevett, Hoyt Trammell, Steve McMillan, James Campbell, Nelson Starkey, Earl Mitchell, Ham Wilson, Jr., John Starr, George Layton, Steve Clikas.

LOCAL LEGISLATION NO. 1

Euclid Rains—Chairman; Jenkins Bryant—Vice Chairman; Frank White, Jimmy Warren, Joe Ford, Richard Laird, Thomas Reed, Steve McMillan, Arthur Payne, Noopie Cosby (W. F.), Tommy Carter, Jack Venable, James Campbell, James Thomas, Harrell Blakeney.

ADJOURNMENT

On motion of Rep. Holley and pursuant to the resolution, H. J. R. 28, heretofore adopted, the House adjourned until 12:00 o'clock noon, Tuesday, January 18, 1983.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, January 18, 1983

(The House was not in session on the Third through the Seventh Days.)

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Gary Branch, President, Faulkner State Junior College, Bay Minette, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

NOTICE FROM THE RULES COMMITTEE

The Committee on Rules of the House of Representatives, State of Alabama, met and considered the expenses which are deemed necessary for the Speaker which he will incur as Speaker of the House of Representatives in addition to the compensation and expenses awarded to the other membership.

The Committee is of the opinion that due to the numerous demands on the Speaker of the House which necessitate travel and staying in Montgomery more than the usual amount of time that the expenses incurred will be in the amount of $1,500.00 per month.

Done this the 18th day of January, 1983.

JOHN CASEY, CHAIRMAN,
Rules Committee.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson, Roy, the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 30. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, January 18, 1983, we adjourn sine die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 30, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 2. JOINT RULES OF THE LEGISLATURE

On motion of Rep. Casey, the resolution, S. J. R. 2, was adopted.

RESOLUTIONS

The following resolution was introduced:

By Rep. Turnham:

H. J. R. 31. COMMENDING MR. EDGAR LEON McGRAW FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

WHEREAS, it is with utmost commendation that the Alabama Legislature notes the October 31, 1982, retirement of Mr. Edgar Leon McGraw as department head of Research Information and editor of the Alabama Agricultural Experiment Station; and

WHEREAS, Mr. McGraw's accomplished career spanned some 43 years in the field of education, with more than 37 of those years on the faculty at Auburn University; he has served in all three of the University's divisions

and under four directors and four University presidents, as well; and

WHEREAS, a native of Lauderdale County, Mr. McGraw holds a two-year diploma from Florence State Teachers College and both his Bachelor's and Master's degrees from Auburn University; he also completed additional studies on the post graduate level at Auburn and at the University of Kentucky; and

WHEREAS, during Editor McGraw's tenure, publications of the Alabama Experiment Station have received national acclaim for their scientific professionalism and he, himself, has gained widespread recognition among his peers; and

WHEREAS, Mr. McGraw, a published author, is a past president of Phi Kappa Phi at Auburn and also is a charter member of the Auburn Chapter of Phi Delta Kappa which he served as secretary-treasurer for 25 years; he is a member of Kappa Delta Pi and Gamma Sigma Delta honor societies, is listed in Who's Who in American Education and is a member of a number of other professional organizations in many of which he held responsible positions of leadership; and

WHEREAS, as a member of the Auburn community, Mr. McGraw also is distinguished in service; he is a member and lay speaker of the Auburn United Methodist Church, a member of Methodist Men, past president of the McGehee Bible Class and is a longtime member and past president of the Auburn Lions Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation for his service and in sincere admiration of his accomplishments, we hereby most highly commend Mr. Edgar Leon McGraw as one of our state's most prominent educators.

BE IT FURTHER RESOLVED, That Mr. McGraw receive a copy of this resolution that he and his wife, Mrs. Johnnie Faye McGraw, their three daughters and other family members may be aware of our warm praise and sincere regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Dutton:

H. R. 32. COMMENDING THE HAZLEWOOD HIGH SCHOOL FOOTBALL TEAM.

Also:

The following resolution was introduced:

By Rep. Penry:

H. J. R. 33. COMMENDING CHIEF WARRANT OFFICER FREDERICK W. ALMS ON HIS OUTSTANDING MILITARY CAREER.

WHEREAS, the January 31, 1982, retirement of Chief Warrant Officer Frederick W. Alms will bring to a close a distinguished career of more than 35 years of active service with the United States Army National Guard; and

WHEREAS, a native and resident of Elberta, Alabama, Frederick W. Alms enlisted in the Guard in 1947, in Foley, Alabama, where he remained in assignment until 1951, at which time he was ordered to active duty with the 31st Infantry Division and stationed at Camp Atterbury, Indiana; and

WHEREAS, Frederick Alms, while serving with the 31st Division, was promoted to Sergeant 1st Class whereupon he received an official Letter of Commendation from his commanding officer, citing Sergeant Alms for diligence and outstanding ability in the performance of his duties as a platoon Sergeant; and

WHEREAS, since reassignment to his home station at Foley, in 1952, he has risen in rank and through grade, and will retire as Chief Warrant Officer from his current assignment as Unit Administrator, and as the recipient of the prestigious Army Commendation Medal for meritorious service; and

WHEREAS, Chief Warrant Officer Alms has a distinguished record of community service, as well, through longtime involvement as a member of the Lutheran Church and through active participation in PTA and Little League Baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Chief Warrant Officer Frederick W. Alms on his distinguished military career with further warm praise voiced for selfless and long-continuing community service.

BE IT FURTHER RESOLVED, That Mr. Alms be presented with a copy of this resolution that he and his wife, Mrs. Betty Alms, their sons, Fred and Norman, and his mother, Mrs. Arthur H. Alms, may know of our sincere commendation and regard.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 34. COMMENDING CHIEF WARRANT OFFICER FREDERICK W. ALMS ON HIS OUTSTANDING MILITARY CAREER.

Also:

By Reps. Lewis and Howard:

H. J. R. 35. MOURNING THE DEATH OF MAYOR EVERETT V. PARSONS OF JOHNS, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply saddened to learn of the death of Mayor Everett V. "Tony" Parsons of Johns, Alabama; and

WHEREAS, a native and lifelong resident of Jefferson County, Mr. "Tony" Parsons was a retired coal miner for the Black Diamond Coal Company and had served as Mayor of Johns for a period of six years; and

WHEREAS, Mayor Parsons was a longtime member and Deacon in the Baptist Church of Dogwood, and also had served his community as presi-

dent of the Community Action for Enrichment Committee; and

WHEREAS, Mayor Parsons is survived by his wife, Mrs. Lucille Parsons, and by their three sons and a daughter, to whom we extend deepest sympathy in their great loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Everett V. "Tony" Parsons, beloved mayor of Johns, Alabama, and again express our sincerely shared sorrow to all his family to whom a copy of this resolution shall be sent.

On motion of Rep. Lewis, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 36. COMMENDING MR. GRADY M. WAKEFIELD UPON HIS PROMOTION TO DISTRICT AGENT-COORDINATOR WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Also:

By Rep. Laird:

H. R. 37. CONGRATULATING MR. AND MRS. HAROLD F. MILLARD ON THE OCCASION OF THEIR 60th WEDDING ANNIVERSARY.

Also:

By Rep. Laird:

H. R. 38. COMMENDING MR. WALTER J. BARTLETT, RECIPIENT OF RANDOLPH COUNTY'S 1982 LEADERSHIP AWARD.

Also:

By Rep. Laird:

H. R. 39. COMMENDING MISS KIM YATES OF WOODLAND, ALABAMA, "MISS ALABAMA AGRICULTURE."

RESOLUTIONS

The following resolutions were introduced:

By Rep. Waggoner:

H. J. R. 40. NAMING HIGHWAY 98 THE J. THOMAS SANDUSKY BOULEVARD IN MOBILE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Highway 98 be named the J. Thomas Sandusky Boulevard in Mobile County.

BE IT FURTHER RESOLVED, That Mr. J. Thomas Sandusky be presented with a copy of this resolution.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 40, was adopted.

CO-SPONSORS ADDED

Reps. Owens and Payne were added as co-sponsors to the resolution, H. J. R. 40.

Also:

By Rep. Carter:

H. R. 41. URGING STATE TREASURER ANNIE LAURIE GUNTER TO RESUME THE POLICY OF CASHING STATE WARRANTS AND CHECKS FOR STATE EMPLOYEES AND MEMBERS OF THE LEGISLATURE.

WHEREAS, it previously was a policy of long standing for the State Treasurer's Office to cash state warrants and checks for state employees as well as for members of the Legislature; and

WHEREAS, recent discontinuance of such policy has caused serious inconvenience for many state employees and particularly for those legislators and some state employees whose non-residency in Montgomery can pose check-cashing difficulties; and

WHEREAS, it is further to be noted that for a large segment of state employees, salary checks, particularly after deductions, are extremely moderate or even meager; many of these employees do not maintain checking accounts and therefore have been placed at an extreme disadvantage by the Treasurer's new policy; and

WHEREAS, we are in agreement, of course, that proper safeguards regarding identification should be taken, thereby eliminating any risk involved in providing this check-cashing service for state and legislative employees; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we hereby most respectfully but strongly urge State Treasurer Annie Laurie Gunter to resume such policy, as herein stated, and to initiate said service at the earliest possible time.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, advise Mrs. Gunter of the House's request.

On motion of Rep. Carter, the rules were suspended and the resolution, H. R. 41, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 6. Relative to adjournment until 11:00 A.M. on January 12, 1983, and meeting in joint convention in the House of Representatives at 11:30 A.M. for the purpose of witnessing the opening and publishing of the returns of the general election held on November 2, 1982.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 27 TAKEN UP

The resolution, H. R. 27, which was introduced on the second legislative day and temporarily postponed, was taken up.

Rep. Waggonner offered the motion to adopt the resolution, H. R. 27.

SUBSTITUTE MOTION ADOPTED

On substitute motion of Rep. Payne, the resolution, H. R. 27, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Buskey:

H. R. 42. REPEALING H. J. R. 40, 1983 ORGANIZATIONAL SESSION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, LEGISLATURE OF ALABAMA, That H. J. R. 40 of the 1983 Organizational Session is hereby repealed and shall have no effect of law.

On motion of Rep. Buskey, the rules were suspended and the resolution, H. R. 42, was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Honorable George C. Wallace, Governor of the State of Alabama, was received and read:

GOVERNOR GEORGE C. WALLACE
MESSAGE TO THE ALABAMA HOUSE OF REPRESENTATIVES

ORGANIZATIONAL SESSION—JANUARY 18, 1983

Speaker Drake.

Ladies and Gentlemen of the Alabama House of Representatives.

Attached hereto is the Interim Report, Transition Group on the State's financial condition. I am presenting this report to you as my message in this organizational session.

The study and work toward this report was accomplished at my direction by an outstanding group of knowledgeable young Alabamians:

Thomas Ashley Harris
Joe Espy, III
Daniel Chambliss
Frank M. Wilson
Clinton Berry
Jerry Ingram

As you will see from the report, we have much work ahead for us.

January 13, 1982

Honorable George C. Wallace
Governor-elect
Transition Office
Montgomery, Alabama

Dear Governor:

We are pleased to present the interim report of the transition team. A more complete report with information for each department head will be provided at the time you assume office.

Each of us is honored to have served as a member of your transition team and wish you a successful administration as Governor of Alabama.

Thomas Ashley Harris

Joe Espy, III

Daniel Chambliss

Frank M. Wilson

Clinton Berry

Jerry Ingram

INTERIM REPORT
TRANSITION GROUP
STATE FINANCIAL CONDITION
JANUARY 1983

As the time of your assumption of office as Governor draws nearer your Transition Group deems it advisable to present you with an interim report focusing on the fiscal condition of the State and its agencies as of this date. This will consist of a general statement of condition as to the General Fund and the Alabama Special Educational Trust Fund with specific reference to certain fiscal techniques and procedures which have contributed to the conditions existing. Comment is also made as to certain other fiscal danger points you may well encounter in the months ahead.

The facts and conclusions expressed in this report have been developed from extensive consultation with and review of documents made available by both appointed and career officers and employees of the State's fiscal agencies and are true and correct to the best of our knowledge and belief.

These figures, reports and other data show an alarming financial situation. The circumstances demand your early and urgent attention to the financial condition of the State and it is imperative that you take prompt emergency remedial action to prevent a collapse of the State's financial structure. This is going to require the full cooperation of all agencies of government and a strict adherence to rigid austerity for the foreseeable future.

Our full report will outline all of this in greater detail but the current situation indicates a crisis situation presently existing, some relaxation in the Spring as revenue increases and possibly an even deeper crisis as fiscal 1983-84 commences October 1, 1983.

Much of this derives from economic recession coupled with severe re-

duction in revenues. But this has all been further compounded by reckless, bizarre and unauthored fiscal procedures which have had little regard for the overall stability of the State's financial structure such as the inappropriate, ill advised and perhaps illegal release of certain large conditional appropriations while the State funds were approaching or were perhaps already in a prorated condition. This only served to magnify the deficit for the current fiscal period. It has been essentially a "live today with no thought for tomorrow" approach which accounts for many of the problems now existing.

GENERAL FUND SITUATION AS OF MID-JANUARY

As you know, a 15% proration of the General Fund was declared by Governor James in late September of 1982 for the fiscal year commencing October 1, 1982. This meant that agencies would be funded at 85% of their annual appropriation for the fiscal year commencing that date, or until a change in the Declaration of Proration.

However, during the first four months of the current fiscal year, October-January, due to a deficit cash flow, funding of General Fund agencies has been at approximately 65% rather than 85% of annual budget resulting in an approximate $25 million deficit in appropriation at this time. If revenue allows a funding at an 85% level for the entire fiscal year ending September 30, 1983 this means that the departments and agencies will receive a substantially larger appropriation for the remaining two thirds of the year than for the past four months. If not, an even larger deficit and resulting proration comes about.

It is possible that the 85% funding level can be attained if $25 million can be recovered from other sources, such as the oil and gas tax revenue now being held in escrow, or from other sources. Failure to recover this $25 million could result in even deeper proration for the fiscal period 1982-83 at an estimated additional 5-7% increase in proration.

If the $25 million is recovered and the insurance premium taxes due in March hold firm there is a possibility of a reduction in proration, but this will not be known until mid year.

The above only discusses the normal operations of the General Fund and does not take into account extraordinary obligations such as money due FEMA for Hurricane Frederick rehabilitation—a Revenue Sharing Payback of $116 million or more, and the like. The above also assumes interest on State deposits collected by the State Treasurer will remain at the current level of 7.5-8.0%. This is a function of the market as you know and cannot be precisely determined. With falling interest rates an even larger deficit could come about.

In summary, after removing distortions in accounting, General Fund receipts for October-January are down approximately 10% from level funding while the Legislative appropriation from the General Fund for fiscal year 1982-83 was increased by approximately 10% thus accounting for the shortfall and necessity of proration. Monitor this situation very closely.

The Alabama Special Education Trust Fund is not in as serious a condition. Proration of this fund was declared at 10% in late September for the current fiscal year. The fund is actually operating at approximately a 7% reduction and revenues remain reasonably stable. If the economy were to move upward there is a possibility of a reduction in the rate of proration. The unknown factors are (1) the amount of income tax refunds to become due this Spring and (2) will Sales and Income Taxes, which currently are at least level or in excess of receipts for the prior year, remain stable. If these

conditions were to continue to co-exist there is a possibility of a reduction in the rate of proration. This, also is to be monitored closely.

SPECIAL ITEMS

Medicaid. Some unanswered questions exist here. Medicaid was considered to be included in the 15% proration declared for the General Fund. However, it appears highly doubtful that the agency is spending at a prorated level. Apparently they are spending as if they were non-prorated. This could be increasing the fiscal burden for the last half of the current fiscal year.

General Fund appropriations to this agency are approximately $90 million for the current year. A 15% proration would result in a reduction of $13.8 million in this appropriation, however, the agency has already received a $8.6 million transfer from the State Insurance Fund and perhaps some money from other sources. So the deficit is not as large as it would appear.

Upon assuming office ascertain immediately:

1. The portion of the appropriation already expended
2. Obligations outstanding or deferred
3. Rate of percent of expenditures as compared with appropriation.

With these inputs you should be readily able to determine the status of this agency but it must be monitored closely to prevent an overrun of expenditures.

Interest on State Deposits Collected by the State Treasury. This has developed into the largest producer of revenue for the General Fund. However, due to the decline in interest rates this interest revenue is declining proportionately.

This money is currently invested at 7.75% while a year ago the rate was 14% and has actually risen to the level of 16% on other occasions. The Treasurer currently estimates receipts of $35 million from this source for the current fiscal year compared with $52 million for the previous year. Unfortunately, the budget makers estimated income of $64 million from this source for the current year which accounts for a severe revenue discrepancy. Also, the early call of interest to prevent a deficit at the close of fiscal year 1982 reduced receipts for 1983 by $7 million. All of this reacts to the detriment of the General Fund for the current fiscal year.

State Insurance Fund. Under authority of a questionable Legislative act this fund has been reduced by $18.6 million since 1980. Most of this went to the Medicaid Agency. There is now litigation questioning these transfers and although repayment is due the likelihood for any being made is highly questionable.

This tampering with trust money should be discontinued and this fund allowed to reach and maintain a solvent status to be available for the purposes intended.

Unemployment Compensation Trust Fund. This fund does not relate to the General Fund but is a State responsibility. Recent statements by the authorities administering the fund indicate it is bankrupt at this time and that a loan is being obtained from the Federal Trust Fund in the amount of $82 million to continue unemployment benefit payments for the next few months. If projections are accurate this debt will increase by at least $10 million during this fiscal year making the total indetbedness slightly less

than $100 million. This may be a conservative figure as tax contributions supporting the fund are running far behind prior year collections due to the high rate of unemployment. This would result in $8-9 million in interest payment from State monies. All involved admit there is no chance for repayment under current conditions so a very substantial tax increase appears in order if the Fund is to survive. There is currently discussion of innovative financing by major investment houses and banks to improve this situation. This should be followed closely.

FEMA—Federal Emergency Assistance—Hurricane Frederick. Apparently there is a remaining balance of approximately $3.6 million due to be repaid the Federal Government as a result of funds advanced during the aftermath of Hurricane Frederick.

We understand that $1 million has already been repaid and the $3.6 million is the remaining balance due from the General Fund which is now past due. A conditional appropriation was enacted but no funds were made available. This debt still exists and must be recognized and handled in some way.

Oil and Gas Tax Revenue Paid Under Protest. This is a "production privilege" or severance tax which up to the present has produced some $36.8 million in revenue. Of this, approximately $30 million has been paid under protest while $6.8 million has not but has been held because of pending litigation under a prior agreement.

There are several possibilities. (1) If this money is improperly released and later required to be refunded the State suffers loss of money as well as loss of interest which is currently being drawn. (2) If held in escrow interest will be earned and the money will be available if a refund is required. (3) Lastly, and most important, if this litigation is dismissed the State would receive approximately $18.4 million at this time for the General Fund, which is projected to grow to approximately $25 million by years end. This is substantially the difference needed to relieve the present situation in the General Fund. This probably should continue to be explored.

Recent Transfer of $2.5 Million from Pensions and Security to Other General Fund Agencies. The fiscal hazard here is that the Pensions and Security Department may have to be given a supplemental appropriation before years end to compensate for this loss. This would be a General Fund appropriation not presently anticipated. This would be true irrespective of the use currently made of this money.

$520 Million Bond Issue Based on Oil and Gas Windfall Receipts. There were many abnormalities in this transaction. For one thing—the designated projects exceed available revenues by $100-150 million. This must either be prorated or adjusted, possibly by Legislative action.

This deficiency came about due to some very serious miscalculations on the part of those involved as to the time and rate of return on the investment plus market deterioration and the imposition of a severe arbitrage penalty by the Internal Revenue Service for failure to comply with arbitrage requirements. This resulted in a $50 million penalty for six years with a no-interest return. When you calculate the interest at then current rates that would have been realized should investment been made at that time this would account for another $42 million loss which means this total penalty was in the approximate figure of $92 million.

The balance between the income from the Heritage Trust Fund and the debt service requirements on the General Fund for this issue is presently in balance but a very precarious balance which could easily shift to a negative position due to the type and nature of the investments. Should this happen

the General Fund must bear the difference in costs.

This whole operation is fraught with danger and refunding must be considered at the proper time, under the proper conditions and with sufficient knowledgeable preparation. For the short term—debt service will amount to approximately $67 million per year for the next two years and is an obligation of the General Fund.

Revenue Sharing Payback. In 1980 Governor James entered into an agreement with the Office of Revenue Sharing to refund approximately $116 million to the Revenue Sharing Trust Fund of the State of Alabama due to certain non-compliances with the procedures of the Revenue Sharing Act.

Later a bill authorizing a conditional appropriation in this amount was introduced—died in committee and nothing happened. This may be a dead issue but the obligation still exists and is growing constantly due to interest charges. Somehow the books should be cleared as this is technically a charge against the General Fund of the State.

In summary, a $25 million deficit currently exists. Payment for other State obligations must be deferred to enable the salary payment of employees on January 21st. This crisis situation will exist for approximately 60 days—hopefully improve at that time and will likely reappear later in the fiscal year and at the commencement of fiscal year 1983-84 due to the fact that there is little or no accumulation of revenues while the State is in a deeply prorated situation.

All of this demands close monitoring, perhaps daily—total austerity and good common sense judgment as to the creation of any further obligations against the State.

The special items listed should be closely reviewed as they will continue to exist and must be dealt with in a responsible manner if the financial image of the State is to be preserved.

Refunding of the 520 million bond issue should be closely examined and seriously considered for at least, the debt service can be "spread" in a manner better suited to the State's situation and needs.

If the refunding is carried out it should be done in a highly professional manner, at the proper time and only after thorough preparation and coordination with the Internal Revenue Service—rating agencies and the market itself. If not the fiscal imagery of Alabama will be further damaged with possible reduction in the credit rating of the State, a danger which we must not risk.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 4. CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

S. J. R. 5. EXPRESSING THE SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF BERRY LYNCHMORE CANTRELL.

Also:

S. J. R. 6. COMMENDING OUR COLLEAGUE, MRS. ANN BED-

SOLE, AND WELCOMING HER AS A MEMBER OF THE ALABAMA SENATE.

Also:

S. J. R. 8. COMMENDING MR. BAXLEY RAINES, FFA AMERICAN FARMER AWARD RECIPIENT.

Also:

S. J. R. 7. COMMENDING MR. AL FOX, FORMER DEAN OF THE CAPITOL PRESS CORPS, AND DESIGNATING MR. FOX AS HONORARY MEMBER OF THE ALABAMA SENATE.

Also:

S. J. R. 10. HONORING COACH PAUL WILLIAM BRYANT UPON HIS RETIREMENT AS HEAD FOOTBALL COACH FOR THE ALABAMA CRIMSON TIDE.

Also:

S. J. R. 11. EXTENDING A WARM WELCOME TO COACH RAY PERKINS AS HEAD FOOTBALL COACH FOR THE UNIVERSITY OF ALABAMA'S CRIMSON TIDE.

Also:

S. J. R. 12. MOURNING THE DEATH OF DR. ROBERT JOSEPH NICOLOSI OF THE UNIVERSITY OF ALABAMA MUSIC FACULTY.

Also:

S. J. R. 14. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS AND TO PROVIDE FOR THE POWERS AND DUTIES OF SAID COMMITTEE.

Also:

S. J. R. 15. CONGRATULATING THE OXFORD HIGH SCHOOL YELLOW JACKETS ON AN OUTSTANDING FOOTBALL SEASON.

Also:

S. J. R. 16. COMMENDING MR. SAM DEJARNETTE OF SELMA, ALABAMA.

Also:

S. J. R. 18. COMMENDING THE HONORABLE HOBDY G. RAINS UPON HIS RETIREMENT AS CIRCUIT COURT JUDGE OF THE 16th JUDICIAL CIRCUIT, ETOWAH COUNTY.

Also:

S. J. R. 19. MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

Also:

S. J. R. 20. COMMENDING MR. LAVON BRADLEY OF ESCAMBIA COUNTY, ALABAMA.

Also:

S. J. R. 21. NAMING THE "SPOIL" ISLAND IN MOBILE BAY,

EAST OF THE MAIN SHIP CHANNEL AND NORTH OF THE DIAGONAL THEODORE SHIP CHANNEL, THE "WILSON GAILLARD ISLAND."

Also:

S. J. R. 22. DESIGNATING THE WEEK OF JUNE 5, 1983 AS "ALABAMA" WEEK IN HONOR OF THE RENOWNED COUNTRY MUSIC GROUP, "ALABAMA."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RECESS

On motion of Rep. Johnson (Roy), the House recessed for ten minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 14. EXTENDING WARM CONGRATULATIONS TO DR. WILLIAM GROVER SHAMBLIN OF TUSCALOOSA, ALABAMA, UPON THE OCCASION OF HIS 90th BIRTHDAY.

Also:

H. J. R. 15. MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

Also:

H. J. R. 16. COMMENDING COACH BRYAN YATES OF TALLAPOOSA COUNTY'S NEW SITE HIGH SCHOOL.

Also:

H. J. R. 17. CONGRATULATING THE DADEVILLE HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

Also:

H. J. R. 18. COMMENDING ALABAMA NATIVE, MR. CHARLES WILLIAM (BUTCH) MOORE, JR., OF THE MILWAUKEE BREWERS.

Also:

H. J. R. 30. RELATIVE TO SINE DIE ADJOURNMENT OF THE TWO HOUSES.

Also:

H. J. R. 31. COMMENDING MR. EDGAR LEON McGRAW FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 33. COMMENDING CHIEF WARRANT OFFICER FREDERICK W. ALMS ON HIS OUTSTANDING MILITARY CAREER.

Also:

H. J. R. 35. MOURNING THE DEATH OF MAYOR EVERETT V. PARSONS OF JOHNS, ALABAMA.

Also:

H. J. R. 5. CREATING A LEGISLATIVE PARKING COMMITTEE.

Also:

H. J. R. 29. COMMENDING MRS. O'BYRNE JONES WHITLEY OF BAY MINETTE, BALDWIN COUNTY, STATE OF ALABAMA, UPON HER RETIREMENT.

Also:

H. J. R. 23. EXTENDING SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF FORMER STATE REPRESENTATIVE GEORGE STEWART OF MOBILE.

Also:

H. J. R. 13. RELATIVE TO BINDING AND PRINTING OF THE ACTS AND JOURNALS OF 1983.

Also:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

Also:

H. J. R. 24. CREATING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 19. HONORING REPRESENTATIVE PETE TURNHAM AS DEAN OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 20. CONGRATULATING MR. AND MRS. CHARLES ENZER TWEEDY, JR.

Also:

H. J. R. 21. CONGRATULATING MR. AND MRS. CARL BURTON.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Horn:

H. R. 43. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That pursuant to Notice in Writing previously filed House Rule 7 is hereby amended by adding thereto as follows:

Delete House Rule 31a in its entirety, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

MOTION TO TEMPORARILY POSTPONE

Rep. Holley offered the motion to temporarily postpone consideration of the resolution, H. R. 43.

SUBSTITUTE MOTION TO TABLE LOST

The substitute motion offered by Rep. Horn to table the motion offered by Rep. Holley, was lost.

The question was then on the motion offered by Rep. Holley to temporarily postpone consideration of the resolution, H. R. 43.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Tucker to postpone consideration of the resolution for one hour was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report,

with amendment.

S. J. R. 9. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION.

Said amendment being as follows:

Amend Senate Joint Resolution 9, page 1, beginning on line 21, after the comma, by striking ~~who shall be the chairman and the Senate members of the Standing Committee on Constitutional Revision~~

And the amendment was adopted.

And the resolution, S. J. R. 9, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Parsons, Cooley, Aldridge, Bailey, Goodwin, Bishop, Little, Bachus, Hilliard, Cabaniss, Boyington, and Bedford:

S. J. R. 29. MEMORIALIZING THE UNITED STATES CONGRESS TO IMPLEMENT A PLAN OF RESTRUCTURING FEDERALLY INSURED MORTGAGES.

WHEREAS, The Alabama Legislature notes the massive level of unemployment that exists within the boundaries of our State; and

WHEREAS, Due to the massive unemployment, which is second highest in the nation, many individuals are finding it increasingly difficult to make ends meet, including making payments on existing mortgages; and

WHEREAS, The growing number of foreclosures on individual mortgages has reached the crisis stage; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we urgently request the U.S. Congress adopt and implement a plan whereby existing individual mortgages that are insured by the V.A., F.H.A., Farmer's Home Administration, or like federal agency, be restructured and refinanced to prevent further impending foreclosures.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to inform each of our state's U.S. Congressmen and Senators, by copy of this resolution, of the Legislature's sentiments concerning this crucial situation.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, set out in the above and foregoing Message from the Senate.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson, Roy, the rules were suspended and the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 5. Relative to creating a Legislative Parking Committee.

Also:

H. J. R. 9. EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED PUBLIC CORPORATIONS.

Also:

H. J. R. 13. Relative to the acts and journals of the Organizational Session be bound with the regular session or any special sessions in 1983.

Also:

H. J. R. 14. EXTENDING WARM CONGRATULATIONS TO DR. WILLIAM GROVER SHAMBLIN OF TUSCALOOSA, ALABAMA, UPON THE OCCASION OF HIS 90th BIRTHDAY.

Also:

H. J. R. 15. MOURNING THE DEATH OF REPRESENTATIVE WILLIAM DEARA EDWARDS OF FORT DEPOSIT, ALABAMA.

Also:

H. J. R. 16. COMMENDING COACH BRYAN YATES OF TALLAPOOSA COUNTY'S NEW SITE HIGH SCHOOL.

Also:

H. J. R. 17. CONGRATULATING THE DADEVILLE HIGH SCHOOL TIGERS ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

Also:

H. J. R. 18. COMMENDING ALABAMA NATIVE, MR. CHARLES WILLIAM (BUTCH) MOORE, JR., OF THE MILWAUKEE BREWERS.

Also:

H. J. R. 19. HONORING REPRESENTATIVE PETE TURNHAM AS DEAN OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 20. CONGRATULATING MR. AND MRS. CHARLES ENZER TWEEDY, JR.

Also:

H. J. R. 21. CONGRATULATING MR. AND MRS. CARL BURTON.

Also:

H. J. R. 23. EXTENDING SYMPATHY OF THE LEGISLATURE TO THE FAMILY OF FORMER STATE REPRESENTATIVE GEORGE STEWART OF MOBILE.

Also:

H. J. R. 24. CREATING THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

H. J. R. 29. COMMENDING MRS. O'BYRNE JONES WHITLEY OF BAY MINETTE, BALDWIN COUNTY, STATE OF ALABAMA, UPON HER RETIREMENT.

Also:

H. J. R. 30. Relative to sine die adjournment.

Also:

H. J. R. 31. COMMENDING MR. EDGAR LEON McGRAW FOR MERITORIOUS SERVICE TO AUBURN UNIVERSITY.

Also:

H. J. R. 33. COMMENDING CHIEF WARRANT OFFICER FREDERICK W. ALMS ON HIS OUTSTANDING MILITARY CAREER.

Also:

H. J. R. 35. MOURNING THE DEATH OF MAYOR EVERETT V. PARSONS OF JOHNS, ALABAMA.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the Resolution:

S. J. R. 9. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 9. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out, in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 28. EXPRESSING THE LEGISLATURE'S INTENT THAT THE RETIREMENT SYSTEMS OF ALABAMA BE CONSIDERED

PUBLIC CORPORATIONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 29. MEMORIALIZING THE UNITED STATES CONGRESS TO IMPLEMENT A PLAN OF RESTRUCTURING FEDERALLY INSURED MORTGAGES.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:30 P.M. on January 18, 1983.

H. J. R. 6

Delivered to the Governor at 4:50 P.M. on January 18, 1983.

H. J. R. 5

H. J. R. 9

H. J. R. 13

H. J. R. 14

H. J. R. 15

H. J. R. 16

H. J. R. 17

H. J. R. 18

H. J. R. 19

H. J. R. 20

H. J. R. 21

H. J. R. 23

H. J. R. 24

H. J. R. 29

H. J. R. 30

H. J. R. 31

H. J. R. 33

H. J. R. 35

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. J. R. 30, heretofore adopted, the House adjourned sine die at 4:15 o'clock p.m.

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama,
Organizational Session, 1983.

HOUSE OF REPRESENTATIVES
ORGANIZATIONAL SESSION 1983
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Robert E. Albright, 20
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Jim Bennett, 33
Jack Biddle, III, 35
A.J. Blake, 56
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W.C. (Bill) Bowling, 11
Michael E. Box, 97
Carl C. Brakefield, 12
Morris J. Brooks, Jr., 18
Glen Browder, 57
Jenkins Bryant, Jr., 86
James Buskey, 99
Tom Butler, 17
James M. Campbell, 59
Joe R. Carothers, Jr., 71
Tommy Carter, 16
John Casey, 60
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Tom C. Coburn, 3
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Bobby C. Crow, 58
Patricia Davis, 36
Tom Drake, 10
Bill Drinkard, 29
Roger Dutton, 7
Sundra Escott, 45
Dwight Faulk, 84
Steve Flowers, 66
Joe Ford, 28
Dewayne Freeman, 19
Victor Gaston, 100
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Bob Harvey, 27
Steve R. Hettinger, 21
Jimmy W. Holley, 74
Alvin Holmes, 80
William Fred Horn, 39
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Ron G. Johnson, 54
Roy W. Johnson, Jr., 47
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John W. Rogers, 38
James G. Sasser, 69
Van Scott, 31
George Seibels, Jr., 32
Curtis Smith, 53
Nelson R. Starkey, Jr., 2
John C. Starr, Jr., 78
J. David Stout, 24
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Hoyt Trammell, 40
Jerome Tucker, 43
J.E. Turner, 96
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Jack Venable, 76
J.T. (Jabo) Waggoner, 51
Jimmy Warren, 93
Frank P. White, 91
Thomas Lester White, 62
Nolan Williams, 72
Ham Wilson, Jr., 81
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ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

ORGANIZATIONAL SESSION, JANUARY 11, 1983

OFFICERS

TOM DRAKE, *Speaker,* Cullman

ROY W. JOHNSON, JR., *Speaker Pro-Tem,* Tuscaloosa

JOHN W. PEMBERTON, *Clerk,* Montgomery

LOIS F. ALLEN, *Chief Clerk,* Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Charles Ashley	Rt. 3, Box 240, Killen 35645
2	LAUDERDALE	Nelson Starkey	168 Cedarcrest Dr., Florence 35630
3	COLBERT, LAUDERDALE	Tom Coburn	1107 E. 3rd St., Tuscumbia 35674
4	FRANKLIN, COLBERT	J.W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals 35660
5	FRANKLIN, MARION	Jack Lauderdale	Rt. 1, Box 238, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Max Newnan	P.O. Box 428, Millport 35576
7	LAWRENCE, MORGAN	Roger Dutton	RR No. 2, Box 32, Trinity 35673
8	MORGAN	Charles Martin	1716 Camellia Dr., SW, Decatur 35601
9	MORGAN	Paul Parker	303 N. Douglas, Hartselle 35640
10	CULLMAN, MORGAN	Tom Drake	P.O. Box 1165, Cullman 35055
11	CULLMAN, WINSTON	W.C. (Bill) Bowling	Rt. 2, Box 349, Hanceville 35077
12	WALKER, WINSTON	Carl Brakefield	P.O. Box G, Carbon Hill 35549
13	WALKER	Tom Nicholson	P.O. Box 248, Jasper 35501
14	JEFFERSON, BLOUNT	Jim Wright	4005 Harris Ave., Adamsville 35005
15	JEFFERSON, ST. CLAIR	Arthur Payne	2825 2nd St., NW, Birmingham 35215

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

16	LIMESTONE Tommy Carter	Rt. 2, Box 72, Elkmont 35620
17	MADISON, LIMESTONE Tom Butler	1803 Forney Dr., Huntsville 35805
18	MADISON Morris Brooks	9009 Randall, Huntsville 35802
19	MADISON Dewayne Freeman	366 Jack Coleman Dr., Huntsville 35805
20	MADISON Robert E. Albright	2024 Stanhope Dr., NE, Huntsville 35811
21	MADISON Steve R. Hettinger	P.O. Box 614, Huntsville 35804
22	MADISON, JACKSON Albert Hall	P.O. Box 275, Gurley 35748
23	JACKSON, DEKALB Ben T. Richardson	P.O. Box 1017, Scottsboro 35768
24	DEKALB J. David Stout	P.O. Box 1106, Fort Payne 35967
25	MARSHALL, DEKALB T. Euclid Rains, Sr.	Rt. 1, Box 326, Albertville 35950
26	MARSHALL T. Loyd Coleman	P.O. Box 67, Arab 35016
27	BLOUNT, ETOWAH, MARSHALL Bob Harvey	Rt. 4, Box 708, Oneonta 35121
28	ETOWAH Joe Ford	1316 Kentucky Ave., East Gadsden 35903
29	ETOWAH Bill Drinkard	P.O. Box 372, Gadsden 35902
30	ETOWAH, CHEROKEE Bobby M. Junkins	254 College Street, Gadsden 35999
31	JEFFERSON Van Scott	3100 Guilford Road, Birmingham 35223
32	JEFFERSON George Seibels, Jr.	4016 10th Ave., S., Birmingham 35222
33	JEFFERSON Jim Bennett	1524 Valley Ave., Homewood 35209
34	JEFFERSON George L. Layton	2305 5th Place, N.W., Center Point, Birmingham 35215

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

35 JEFFERSON
Jack Biddle, III ..... 2256 Pinehurts Dr., Gardendale 35071

36 JEFFERSON
Pat Davis ..... 9312 Sears Drive, Birmingham 35206

37 JEFFERSON
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064

38 JEFFERSON
John W. Rogers ..... 1424 18th St., S.W., Birmingham 35211

39 JEFFERSON
William Fred Horn ..... 333 16th Ave., S.W., Birmingham 35211

40 JEFFERSON
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224

41 JEFFERSON
Asbury Howard ..... 1930 Exeter Avenue, Bessemer 35020

42 JEFFERSON, WALKER
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020

43 JEFFERSON
Jerome Tucker ... 1722 2121 Bldg., 8th Ave., N. Birmingham 35203

44 JEFFERSON
Jarushia Thornton ..... 1232 Twelfth Court N., Birmingham 35204

45 JEFFERSON
Sundra E. Escott ..... P.O. Box 8172, Birmingham 35218

46 TUSCALOOSA
Bryant Melton ..... 4129 20th Street, Tuscaloosa 35401

47 TUSCALOOSA
Roy W. Johnson, Jr. ..... 4501 20th St., N.E., Tuscaloosa 35404

48 BIBB, TUSCALOOSA
Walter Owens ..... 107 Court Square, West Centreville 35042

49 JEFFERSON, SHELBY
Don Murphy ..... 2559 N. Chandalar Lane, Pelham 35124

50 JEFFERSON
Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020

51 JEFFERSON
J.T. "Jabo" Waggoner ..... P.O. Box 10566, Birmingham 35296

52 SHELBY, JEFFERSON, TALLADEGA
Sonny Moore ..... P.O. Box 44, Sterrett 35147

53 CHILTON, SHELBY
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045

54 TALLADEGA, COOSA
Ron G. Johnson ..... Rt. 5, Box 17, Sylacauga 35150

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

55	TALLADEGA Jim Preuitt	P.O. Box 1063, Talladega 35160
56	ST. CLAIR A. J. Blake	Rt. 1, Box 206A, Pell City 35125
57	CALHOUN Glen Browder	Rt. 2, Box 316, Jacksonville 36265
58	CALHOUN Bobby C. Crow	Rt. 10, Box 842, Anniston 36201
59	CALHOUN James M. Campbell	P.O. Box 2003, Anniston 36202
60	CLEBURNE, CLAY, TALLADEGA, CALHOUN John Casey	207 Duke Drive, Heflin 36264
61	CHAMBERS, RANDOLPH Richard Laird	46 Randolph Plaza, Roanoke 36274
62	TALLAPOOSA Thomas Lester White	739 Freeman St., Dadeville 36853
63	LEE, TALLAPOOSA, CHAMBERS Pete Turnham	Box 1592, Auburn 36830
64	LEE, CHAMBERS John Rice	P.O. Box 2432, Opelika 36801
65	RUSSELL, LEE Albert L. Johnson	P.O. Box 1126, Phenix City 36867
66	RUSSELL Charles Adams	P.O. Box 967, Phenix City 36867
67	MACON, BULLOCK Thomas Reed	Drawer EE, Tuskegee Institute, Tuskegee 36088
68	PIKE, BARBOUR J. Steve Flowers	P.O. Box 973, Troy 36081
69	DALE, BARBOUR, HENRY James G. Sasser	P.O. Box 1279, Ozark 36361
70	BARBOUR, HENRY, HOUSTON George Grimsley	Rt. 1, Box 69, Columbia 36319
71	HOUSTON Joe Carothers, Jr.	Rt. 8, Box 33, Dothan 36301
72	DALE, HOUSTON Nolan Williams	P.O. Box 6947, Dothan 36301
73	GENEVA, COFFEE, HOUSTON Nathan Mathis	P.O. Drawer L, Slocomb 36375
74	COFFEE Jimmy W. Holley	Rt. 3, Box 191E, Elba 36323

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

75	COVINGTON Seth Hammett	P.O. Box 1418, Andalusia 36420
76	ELMORE Jack Venable	P.O. Box 736, Tallassee 36078
77	MONTGOMERY Charles D. Langford	918 E. Grove St., Montgomery 36104
78	MONTGOMERY John Starr, Jr.	P.O. Box 7426, Montgomery 36107
79	MONTGOMERY Bob McKee	P.O. Box 424, Montgomery 36101
80	MONTGOMERY Alvin Holmes	P.O. Box 6064, Montgomery 36106
81	MONTGOMERY Ham Wilson, Jr.	P.O. Box 238, Montgomery 36106
82	AUTAUGA, ELMORE E. A. Grouby, Jr.	P.O. Box 188, Prattville 36067
83	WILCOX, LOWNDES, DALLAS, MONTGOMERY James L. Thomas	Rt. 2, Box 509, Hayneville 36040
84	BUTLER, CRENSHAW Dwight Faulk	Rt. 2, Box 90, Honoraville 36042
85	DALLAS, AUTAUGA W. F. Noopie Cosby, Jr.	5 Citizens Parkway, Selma 36701
86	DALLAS, PERRY, WILCOX Jenkins Bryant, Jr.	Rt. 1, Box 126, Newbern 36765
87	MARENGO, HALE Richard S. (Rick) Manley	P.O. Drawer U, Demopolis 36732
88	GREENE, PICKENS, HALE, TUSCALOOSA Phil Poole	P.O. Box 207, Moundville 35474
89	TUSCALOOSA, PICKENS Earl Mitchell	P.O. Box 426, Northport 35476
90	SUMTER, CHOCTAW, GREENE Preston "Mann" Minus, Jr.	P.O. Box 312, Livingston 35470
91	ESCAMBIA Frank P. White	Rt. 1, Box 193-B, Pollard, Flomaton 36441
92	CLARKE, BALDWIN, WASHINGTON Harrell Blakeney	Rt. 2, Box 172, Thomasville 36784
93	CONECUH, MONROE J. E. (Jimmy) Warren	P.O. Box 207, Castleberry 36432
94	BALDWIN Walter E. Penry, Jr.	Rt. 2, Box 286, Daphne 36526

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

95 BALDWIN
Stephen A. (Steve) McMillan .... P.O. Box 337, Bay Minette 36507

96 MOBILE, WASHINGTON
J. E. Turner ..... P.O. Box 777, Citronelle 36522

97 MOBILE
Michael E. Box ..... 133 Louiselle Street, Mobile 36690

98 MOBILE
William Clark ..... P.O. Box 10434, Prichard 36610

99 MOBILE
James Buskey ..... 2207 Barretts Lane, Mobile 36617

100 MOBILE
Victor Gaston ..... 864 West Parkwood Dr., Mobile 36608

101 MOBILE
Ken Kvalheim ..... 421 Dogwood Dr., Mobile 36609

102 MOBILE
Mary Zoghby ..... 2862 Hilburn Drive, Mobile 36606

103 MOBILE
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603

104 MOBILE
Steve Clikas ..... P.O. Box 9436, Mobile 36609

105 MOBILE
Taylor Harper ..... P.O. Box 229, Grand Bay 36541

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HR 7, p. 9

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HJR 25, p. 36

Interim committee on constitutional revision created
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Interim committee on finances and budgets created
HJR 26, p. 59

Interim committee on industrial expansion, economic growth and jobs, created
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HJR 12, p. 27

J. Thomas Sandusky boulevard named
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HR 1, p. 7

McGraw, Edgar Leon, commended
HJR 31, p. 64, 77, 80, 83

Madison county elected officials salary commission
HJR 24, p. 35, 77, 80, 83

Millard, mr. and mrs. Harold F. congratulated
HR 37, p. 67

Moore, Charles William (Butch) Jr., commended
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SJR 12, p. 48, 75

Oxford high school football team congratulated
SJR 15, p. 48, 49, 75

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TWEEDY, MR. AND MRS. CHARLES ENZER, JR.

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Commended
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WHITLEY, MRS. O'BYRNE JONES

Commended
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Named
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YATES, BRYAN

Commended
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YATES, KIM

Commended
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JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA

FIRST EXTRAORDINARY SESSION OF 1983

HELD IN THE CITY OF MONTGOMERY, ALABAMA

COMMENCING TUESDAY, JANUARY 25, 1983

WITH AN INDEX PREPARED BY THE

CLERK OF THE HOUSE

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State of Alabama

JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1983

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, January 25, 1983

Be it remembered that on the 25th day of January, 1983, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows to-wit:

STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama 1901:

NOW, THEREFORE, I, George C. Wallace as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 6:00 p.m. on Tuesday, January 25, 1983, and I do hereby designate the following subjects and matters, which I as Governor deem necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to modify and amend the Code of Alabama § 40-20-2 and/or related statutes and in particular those portions relating to: (1) Tax pass-through provisions (2) Royalty owners tax exemption (3) Applicability of said tax on a statewide basis, and any other portions of said laws where deemed appropriate.

2. Legislation to provide for the operation of the prison system of the State of Alabama through a Commissioner of the Department of Corrections, to be appointed by the Governor.

3. Legislation to amend and/or repeal certain sections of the *Code of Alabama*, § 36-17-(1-10), so as to reduce the period of time required, for the State of Alabama to make payments on bonded indebtednesses.

4. Legislation to amend the *Code of Alabama*, § 41-14-34 so as to require monthly payments of interest on State deposits, as opposed to quar-

terly payments.

5. Legislation to provide a supplemental appropriation of income from the Alabama Heritage Trust Income Fund, directly to the Medical Services Administration (Medicaid).

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 25th day of January, 1983.

GEORGE C. WALLACE,
Governor.

ATTEST:

DON SIEGELMAN
Secretary of State

AMENDMENT TO CALL OF EXTRAORDINARY SESSION

I, Governor George C. Wallace, do hereby amend the call of extraordinary session previously issued by me this 25th day of January, 1983, by adding to said call one additional piece of Legislation, as follows:

6. Legislation to provide for semi-monthly submittal of tax collectors reports throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 25th day of January, 1983.

GEORGE C. WALLACE,
Governor.

PRAYER

The session was opened with prayer by Rev. Ivester Pope, Midway United Methodist Church, Adamsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson, (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Junkins, leave of absence was granted for Rep. Drinkard.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Trammell, Harvey and Kennedy.

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 on January 25, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Trammell, Harvey and Kennedy.

Also:

By Rep. Johnson (Roy):

H. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 25, 1983, we adjourn to meet again on Wednesday, January 26, 1983, at 4:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 4, was adopted.

NOTICE IN WRITING

Rep. Waggoner filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to amend House Rule 57, by adding thereto the following:

This rule however, will not apply to Local Legislation No. 2, which is empowered to make its own rules of procedure.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, January 25, 1983, we adjourn to meet again on Wednesday, January 26, 1983.

BE IT FURTHER RESOLVED, That when we adjourn Wednesday, January 26, 1983, we adjourn to meet again on Thursday, January 27, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 5, was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor, Honorable George C. Wallace, was received and read before the House of Representatives:

STATE OF ALABAMA
GOVERNOR'S OFFICE
MONTGOMERY 36130

GEORGE C. WALLACE
GOVERNOR

January 25, 1983

The Honorable Tom Drake
Speaker
House of Representatives
State Capitol
Montgomery, Alabama 36130

Dear Mr. Speaker:

Attached hereto is a message from Governor George C. Wallace to the Alabama House of Representatives in the first Extraordinary Session of the Alabama Legislature January 25, 1983.

Sincerely,

ELVIN STANTON,
Executive Secretary.

Attachment

Speaker Drake,
Ladies and Gentlemen of the Alabama House of Representatives,

I have called you into extraordinary session for the purpose of meeting an emergency need that has arisen in the state's General Fund caused by a severe reduction in revenues.

The General Fund has been under a 15% proration since the beginning of the fiscal year. However, actual funding of the agencies operating out of this fund has been approximately 65% of their annual budget rather than 85%, resulting in a deficit of about $25 million below the prorated level.

To solve this crisis it is imperative that you take immediate remedial action. I am recommending your consideration of a number of measures to increase revenues to meet these dire needs.

This Legislation is needed in order to fund Medicaid Providers at the present level of service to the medically needy. Your approvals of these Bills will mean there will not be an interruption in services provided by the Alabama Medicaid Agency to the many needy citizens of our state. Passage of these Bills is necessary at this time in order to avoid further proration of those budgets funded out of the General Fund:

MONTHLY INTEREST PAYMENT RATHER THAN QUARTERLY PAYMENT

Section 41-14-34 stipulates how often interest will be paid to the state of Alabama for various types of deposits or accounts of the state. Presently interest is paid on state deposits quarterly although it is earned on a monthly basis. This bill changes the method of payment of the interest from quarterly to monthly. This act would provide legislative approval of a practice that was started two years ago to collect all interest due at the end of the fiscal year.

PROCEDURE FOR PAYMENTS BY STATE ON BONDED INDEBTEDNESS

This bill establishes a procedure and deadline for making payments on principal and interest for bonded indebtedness of the state of Alabama. Specifically certain requirements that the fiscal agent be located in New York, that the payment be made 30 days prior to due date, and the method of transmitting payment are modified.

The act will allow the state of Alabama to retain the principal and interest for a longer period of time, and provide a more convenient process of making the payments.

OIL AND GAS SEVERANCE TAX

To amend the current law to increase the severance tax at the well head

from six (6) to eight (8) percent of the gross value at the point of production. It will further eliminate all exemptions and provide equity in taxation statewide. It rescinds royalty owner's tax exemptions.

SEMI-MONTHLY SUBMITTAL OF TAX COLLECTORS REPORTS

Since tag and taxes are now collected on a staggered basis this bill will require semi-monthly reporting throughout the year.

As the law now stands after a tax collector makes final settlement with the State Comptroller, he is not required to settle again with the State Comptroller until October 15 of the following fiscal year. It is conceivable that tax collectors could make a final settlement as early as February and withhold funds for a period of six (6) to seven (7) months. This bill requires a systematic settlement schedule.

MEDICAID FUND FOR 1982-83
TRANSFER OF INTEREST FROM HERITAGE TRUST INCOME ACCOUNT

This bill transfers from the Heritage Trust Fund Income Account earned unappropriated monies remaining in the Alabama Heritage Trust Income Account on September 30, 1982, for Medicaid purposes and also provides that earnings in excess of debt requirements for 1982-83 be set aside for Medicaid purposes.

PRISON COMMISSIONER LEGISLATION

The prison commissioner legislation is proposed to clear up a serious conflict between the Executive Department and the Federal Judiciary.

The prior administration deemed it expedient for the Governor, who is elected by the people of this great State to serve as the chief executive and to administor all departments to serve as Receiver under the direction of the Federal Court. I perceive this to be an obvious conflict of interest.

The prior administration was successful in passing legislation, under threat of Federal Court sanctions, to place all authority of the administration of the Prison system under the chief executive. I feel this situation is not in the best interest of the people of this state.

I propose herewith, legislation to establish an Alabama Department of Corrections, to be administered by a Commissioner who will have full administrative responsibility over the Prison system, thus leaving the Governor free to fairly and freely administer the overall functions of all departments and divisions of the State government.

I know there are other matters of pressing concern yet to be considered by you and I am hopeful you will give immediate attention to these proposals so that we may soon turn our attention to other needed legislation.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Casey, Drake, Holmes, Coburn, Holley, Johnson (Roy), Preuitt, Trammell, Blake, White (L), White (F), Browder, Langford, Adams, Bowling, Layton, Harvey, Martin, Coleman, Horn, Rogers, Mathis, Mitchell, Thornton, Davis, Ashley, Grimsley, Smith, Crow, Thomas, Johnson (A. L.) and Rice:

H. 1. To amend 1975 Code of Alabama, § 40-20-2, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, and to provide an effective date.

Ways and Means.

By Reps. Holley, Holmes, Drake, Horn, Coburn, Casey, Johnson (Roy), Trammell, Johnson (RG), Minus, Crow, Campbell, White (F), Waggoner, Langford, Adams, Harvey, Martin, Coleman, Owens, Turnham, Mathis, Rice, Layton, Bryant, Zoghby, Kennedy, Harper, Hall, White (L), Bennett, Thornton, Davis, Ashley, Grimsley, Blake, Smith, Newman, Thomas, Rogers and Johnson (Al):

H. 2. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Ways and Means.

By Reps. Holley, Holmes, Drake, Rogers, Casey, Horn, Coburn, Johnson (Roy), Mitchell, Trammell, Johnson (RG), Minus, Crow, Campbell, Layton, Adams, Martin, Coleman, Owens, Turnham, Rice, Mathis, Langford, Wilson, Zoghby, Kennedy, Harper, Clikas, White (L), Bennett, Hall, Smith, Thornton, Davis, Ashley, Grimsley, Blake, Newman, Thomas and Johnson (Al):

H. 3. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Ways and Means.

By Reps. Coburn, Turner, Drake, Mathis, Casey, Johnson (Roy), Smith, Bowling, Johnson (RG), Layton, Flowers, Owens, Richardson, Albright, Hall, Bennett, Martin, Sasser, Kennedy, Blake, White (L), Ashley, Mitchell, Crow, Langford, Thornton, Davis, Rice, Johnson (Al), Scott, Grimsley and Newman:

H. 4. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

Ways and Means.

By Reps. Johnson (Roy), Drake, Casey, Blake, Brakefield, Bennett, White (L), Coleman, Mitchell, White (F), Smith, Venable, Biddle, Scott, Crow, Ashley, Mathis, Thornton, Davis, Layton, Rice, Hammett, Grimsley and Newman:

H. 5. To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of the state of Alabama; to provide for the appointment of deputy commissioners by the commissioner

to serve at his pleasure and to provide for their compensation, and to repeal conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

Ways and Means.

By Reps. Johnson (Roy), Drake, Holmes, Casey, Blake, Horn, Brakefield, Bennett, White (L), Coleman, Hall, Mitchell, Biddle, Smith, Langford, Rogers, Thornton, Davis, Mathis, Crow, Layton, Rice, Grimsley, Thomas and Johnson (A. L.):

H. 6. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Ways and Means.

By Reps. Carter, Butler, Thornton and Davis (With Notice and Proof):

H. 7. Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Smith, Thornton and Davis:

H. 8. To amend Section 36-16-3, Code of Alabama 1975, which provides for assistants and clerical help of the state auditor, so as to provide further for technical assistance for said officer.

Ways and Means.

By Reps. Biddle, Moore, Bennett, Davis, Thornton, Layton and Richardson:

H. 9. To establish a separate crime for intentionally contaminating any public water supply and provides for penalties for violation thereof.

Health.

By Reps. Smith, Thornton and Davis:

H. 10. To provide further for the expenses of the state auditor.

Ways and Means.

By Reps. Smith and Thornton:

H. 11. To allow the Commissioner of Agriculture and Industries, at his discretion, to appoint no more than three executive or confidential assistants in the unclassified service to serve at his pleasure, and shall perform such duties as the Commissioner may assign; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III which said salaries and expenses shall be paid from the Agricultural fund.

Agriculture and Forestry.

By Reps. Campbell and Thornton:

H. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Banking.

By Reps. Manley and Campbell:

H. 13. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Judiciary.

By Rep. Campbell:

H. 14. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Judiciary.

By Reps. Campbell, Thornton and Davis:

H. 15. To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a

branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

Banking.

By Rep. Campbell:

H. 16. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

Banking.

By Rep. Campbell:

H. 17. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Banking.

By Rep. Minus (With Notice and Proof):

H. 18. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 19. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 20. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 20, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 21. Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 21, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 22. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 22, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus (With Notice and Proof):

H. 23. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 23, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Martin, Freeman, Brooks, Butler, Hettinger and Albright:

H. 24. To amend Section 16-18-1 of the Code of Alabama of 1975.

Local Government.

By Reps. Manley, Langford, Campbell, Rogers, Bennett, Hall, Albright, Horn, Davis, Grimsley, Zoghby and Coleman:

H. 25. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Judiciary.

By Rep. Langford:

H. 26. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

Judiciary.

By Rep. Turnham:

H. 27. To amend section 36-27-16, Code of Alabama 1975, relating to the State Employees' Retirement System, so as to change from five years to one year the time required for certain members who have been restored to active service to continue in service before again becoming a member of the system.

Ways and Means.

By Rep. Turnham:

H. 28. To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $81,293.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall be carried over into the following state fiscal year, rather than reverting to the state general fund.

Ways and Means.

By Reps. Turner, Clark, Kvalheim, Kennedy and Box:

H. 29. To prohibit the Alabama High School Athletic Associaton from implementing and enforcing rules or regulations restricting participation in post-seasonal "bowl" games by member high school football teams which have failed to qualify for the state championship play-offs.

Education.

By Rep. Turner, Clark, Kvalheim, Gaston, Harper, Clikas, Kennedy, Box and Zoghby:

H. 30. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Highway Safety.

By Rep. Turner, Gaston, Harper, Clikas, Kvalheim, Box and Zoghby:

H. 31. To repeal Sections 36-23-1 through 36-23-9, Code of Alabama 1975, relating to constables and their duties, so as to abolish the office of constable.

Local Government.

By Reps. Biddle and Carter:

H. 32. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to allow the use of shotgun and number six (6) shot or smaller and standard .22 caliber rimfire firearms other than .22 magnum rimfire firearms in the nighttime hunting of raccoon and opossum.

Natural Resources.

By Rep. Owens:

H. 33. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Insurance.

By Reps. Zoghby and Johnson (Roy):

H. 34. To amend Section 30-3-3 of the Code of Alabama 1975 by permitting the court in its discretion to award visitation rights to grandparents in any subsequent proceeding of a divorce case involving child custody and further providing that this law shall be applicable to all divorces previously granted as well as those subsequently granted.

Judiciary.

By Rep. Hammett (With Notice and Proof):

H. 35. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 35, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hammett (With Notice and Proof):

H. 36. Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collecton of law library fees as items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 36, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 37. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

State Administration.

By Rep. Cosby:

H. 38. To provide for a grace period for the 1982 tax year for the payment of the amount of additional income tax liability created by treating alimony payments or separate maintenance payments as income.

Ways and Means.

RESOLUTION

The following resolution was introduced:

By Reps. Langford, Starr, Wilson, Holmes, Thomas, McKee, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (Al), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby:

H. J. R. 6. DESIGNATING 1986 AS "THE LIGHTNING ROUTE CENTENNIAL YEAR" IN THE CITY OF MONTGOMERY, ALABAMA.

WHEREAS, on March 25, 1886, a successful trial run of an electric trolley in Montgomery, Alabama, heralded the first electrified mass transit system in the United States; and

WHEREAS, the "Lightning Route" and its further expansion into the residential areas of Montgomery played a significant role in the development of our Capital City and is forevermore recorded as an historic event; and

WHEREAS, the Lightning Route Centennial Committee is now being organized to plan for a celebration to commemorate the one hundredth anniversary of the first city-wide system of electrically powered trolley cars in the nation; and

WHEREAS, the Alabama Legislature, in support of the Lightning Route Centennial Committee and its purpose, deems it desirable that such event be appropriately recognized for its historic significance through public participation and observance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the year 1986 as The Lightning Route Centennial Year in the City of Montgomery.

BE IT FURTHER RESOLVED, That The Lightning Route Centennial Committee be provided with a copy of this resolution in testimony of the Legislature's full support of said forthcoming commemoration.

On motion of Rep. Langford, the rules were suspended and the resolution, H. J. R. 6, was adopted.

NOTICE IN WRITING

Rep. Horn filed the following Notice in Writing:

Notice is hereby given that on the next legislative day, a motion will be made to amend the House Rules as follows:

Strike Rule 31a in its entirety, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 7. COMMENDING COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, following his recent retirement as Head Football Coach at the University of Alabama, Coach Paul Bryant has been widely acclaimed for his numerous accomplishments and, most particularly, for his achievement of the all-time record for number of career victories for a collegiate coach; and

WHEREAS, Coach Bryant also, however, is to be most highly commended for his policy regarding the determination of which, and how often, each athlete would be played; and

WHEREAS, it is to be noted that immediately following the integration of Alabama's public schools, Coach Bryant promptly initiated, and has since adhered to, a policy determination based solely on athletic ability without regard to race, color, creed or national origin; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein bespeak both our appreciation and approval of Coach Bryant's fair and impartial policies regarding the football players and all athletes at the University of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bryant in evidence of our sincere appreciation and regard.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Rep. Holmes:

H. J. R. 8. ENCOURAGING ALABAMA'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION IN THE AREAS OF NATIONAL DEFENSE AND SOCIO-ECONOMICS.

WHEREAS, Alabama's Congressional Delegation, and those of the va-

rious States, are currently faced with issues in a number of areas most particularly vital to the well-being of our nation; and

WHEREAS, among the many problems to be met and conquered are those in the areas of national defense and socio-economics; and

WHEREAS, the Alabama Legislature is united in its concern that the United States be militarily armed to a degree sufficient to deter any aggressive action against our nation and to adequately protect our shores from attack; and

WHEREAS, it is equally as important, however, that the Congress also continue to support socio-economic legislation for aid to the aged, infirm and unemployed as well as our minority citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon our Congressional Delegation in Washington, D. C., to support such legislation as herein described and further direct that all delegation members receive a copy of this resolution.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blake:

H. R. 9. EXTENDING BEST WISHES TO MRS. ADA EARLINE HALL OF PELL CITY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. White (F):

H. J. R. 10. REGARDING THE RETENTION OF GOVERNOR GEORGE C. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

WHEREAS, George C. Wallace is the only person to have been elected Governor of the State of Alabama four separate times; and

WHEREAS, George Wallace will hold an important position in the history of this nation; and

WHEREAS, the name of Governor Wallace is known nationally and internationally for his courageous political career; and

WHEREAS, George Corley Wallace is one of only two Alabamians to be a viable U. S. Presidential candidate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the official portrait of Governor George C. Wallace is of such significant historical importance that it shall be displayed in the center rotunda of the first floor of the state capitol from this date henceforth.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor Wallace and the Alabama Historical Commission so that they may know of our intent that this historic portrait will be forever displayed.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Reps. Hettinger, Freeman, Brooks, Butler, Hall and Albright:

H. J. R. 11. CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of all the colleges and universities which offer baccalaureate or graduate programs in the field of engineering. The commission shall be composed of a representative from each of the following institutions of higher learning: The University of Alabama, the University of Alabama in Birmingham, the University of Alabama in Huntsville, the University of South Alabama, Auburn University, and Tuskegee Institute. Each institutional representative shall be appointed by the respective university president and shall serve at his discretion and without compensation. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

BE IT FURTHER RESOLVED, That, additionally, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state junior, community and technical colleges with specific emphasis on training of technical support personnel for high technology programs. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the Chancellor of the state's junior, community, and technical colleges. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

RESOLVED FURTHER, That, in addition, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state's elementary and secondary schools in the fields of science and mathematics. This assessment shall include: (1) specific recommendations regarding the appropriate number of science and math teachers, (2) measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathematics and (3) programs to promote the overall quality of instruction in the fields of science and mathematics. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the state superintendent of education. The commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Reps. Turner, Clikas, Harper, Gaston, Kvalheim, Clark, Buskey,

Kennedy, Zoghby and Box:

H. J. R. 12. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House of Representatives to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall study all aspects of the impending completion of the Tennessee-Tombigbee Waterway including the impact that its completion shall have on the State of Alabama. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed $10,000.

MOTION TO SUSPEND RULES AND ADOPT LOST

The motion offered by Rep. Turner to suspend the rules and adopt the resolution, H. J. R. 12, was lost.

The resolution, H. J. R. 12, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 13. COMMENDING RANDOLPH COUNTY EXTENSION AGENT TOM. F. BURNSIDE.

Also:

The following resolutions were introduced:

By Reps. Carothers and Turnham:

H. J. R. 14. COMMENDING MRS. FRANCES MIZELL FOR MERITORIOUS SERVICE TO AGRIBUSINESS EDUCATION IN THE STATE OF ALABAMA.

WHEREAS, the February 1, 1983, retirement of Mrs. Frances Mizell of the Agri-business Education Staff, Auburn University, will bring to a close a meritorious tenure of more than 35 years with the University; and

WHEREAS, a native of Choctaw County, Mrs. Mizell is a graduate of Choctaw County High School and an alumna also of the Salley K. Haw-

thorne School in Montgomery, Alabama; and

WHEREAS, Mrs. Mizell was first associated with Auburn University as an employee in the Dean's office for one year, then for some eighteen months with the History Department staff; and

WHEREAS, for the past 33 years, however, Mrs. Mizell has been a valued employee of the secretarial support staff of the Agri-business Education Department at Auburn; her contributions have been both significant and prolific to the degree that she will be sorely missed by her co-workers and many associates throughout the entire department, and the University as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Frances Mizell for meritorious service to Agribusiness Education for more than 33 years; we further extend sincere best wishes for her every future success and direct that she receive a copy of this resolution, tendered in deep appreciaton and in token of our warm personal regard.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Reps. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 15. COMMENDING THE HOSTS OF THE LEGISLATIVE INAUGURAL PARTY.

WHEREAS, on January 17, 1983, a Legislative Inaugural Dance was held at the Garrett Coliseum in Montgomery, Alabama; and

WHEREAS, the party was a huge success; and

WHEREAS, without certain individuals, the gala event could not have succeeded; and

WHEREAS, the Legislative Wives and Husbands Club sponsored the event which could not have succeeded had it not been for George F. Bailey, J. Robert Benton, James Gray, Johnny Johnson, H. A. Mawhinney, Fred Posey, Bobby Timmons, Hagood Paterson, Nace Allen, Vernon Ligon and L. T. Farris; who gave of their many talents and efforts to insure the success of ths occasion; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and thank George F. Bailey, J. Robert Benton, James Gray, Johnny Johnson, H. A. Mawhinney, Fred Posey, Bobby Timmons, Hagood Paterson, Nace

Allen, Vernon Ligon and L. T. Farris for the outstanding job they performed in assisting the Legislative Wives and Husbands Club.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to each of the above named persons as a token of our appreciation and our warm regards for them in their efforts.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J. R. 15, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Casey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 16. THANKING MR. JOHN W. PEMBERTON, CLERK OF THE HOUSE.

Also:

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 17. COMMENDING GOVERNOR GEORGE C. WALLACE, THE UNIVERSITY OF ALABAMA, THE ROCHESTER PRODUCTS DIVISION OF GENERAL MOTORS AND THE UNITED AUTO WORKERS UNION.

WHEREAS, The University of Alabama, the Rochester Products Division of General Motors and the United Auto Workers Union announced on January 20, 1983, their agreement to jointly operate Rochester's Tuscaloosa Plant as an applied research facility; and

WHEREAS, Governor George C. Wallace has actively promoted joint government, education, industry initiatives and has encouraged and nourished the development of this particular effort; and

WHEREAS, this three-year agreement rescinds the previously announced closing of the facility, which would have meant the loss of some 200 jobs and untold direct and indirect consequences for the economy and the people of West Alabama, already suffering from high unemployment; and

WHEREAS, the goal of this joint venture is not to merely save jobs, but to improve the competitive position of the plant by drawing on the expertise of faculty and students at the University of Alabama, who will ad-

vise Rochester officials on ways to cut costs and improve quality by implementing state-of-the-art technology and management techniques, and convert their plant into a "Factory of the Future" through this applied research; and

WHEREAS, this unique project will serve as a model program nationally, exhibiting to all the enormous potential which can be realized when higher education, industry and labor join forces, since it is only through such cooperation that this nation can regain a position of leadership in productivity and high technology advancements; and

WHEREAS, this agreement will provide contract and grant research opportunities, and General Motors funded scholarships and fellowships for University students; and

WHEREAS, this effort will ensure faculty access to the General Motors Tech Center by providing sabbatical and leave assignment opportunities for research in such areas as robotics, computer aided design, and computer integrated manufacturing;

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of Alabama does hereby commend and applaud the leadership shown by the Governor, General Motors, UAW, and The University of Alabama in this pioneering endeavor, which illustrates the kind of creative solution necessary to overcoming the State's economic problems.

BE IT FURTHER RESOLVED, that it is the sincere hope of this body that this joint venture is only the first of many such unions between the educational and industrial communities for their mutual benefit and the betterment of the State of Alabama.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 17, was adopted.

Also:

By Reps. Kennedy, Buskey, Clark, Turner, Kvalheim, Gaston, Clikas, Harper, Zoghby and Box:

H. J. R. 18. MOURNING THE DEATH OF MR. CLIFTON T. McKINNIS OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama, in sincere sense of sorrow and deep regret, today notes the death of Mr. Clifton T. McKinnis of Mobile, Alabama, on December 29, 1982, at the age of 87 years; and

WHEREAS, a native and lifelong resident of his beloved Mobile, Mr. McKinnis was one of Alabama's most prominent citizens and one whose life exemplified leadership, responsibility and a firm commitment to service, all on behalf of others; and

WHEREAS, Mr. McKinnis, as a businessman of substantial achievement, was actively associated with Mobile's Johnson-Allen Mortuary for some 53 years, retiring from the presidency to be named President Emeritus; he continued to serve the business community, however, as a member of the board and in directorship capacity of such grant corporations as Gulf Federal Savings and Loan and United Life Insurance Company, Incorporated; and

WHEREAS, in further civic and community involvement, Mr. McKinnis was a charter member and honorary past president of the Utopia Club, Incorporated; a member of Gulf City Lodge Number 244, Improved Benevo-

lent Protective Order of Elks of the World; and a past vice president of the Mobile Area Mardi Gras Association; and

WHEREAS, Mr. McKinnis, a dedicated servant of God and ever submissive to His will, was an active and supportive member of the Big Zion A.M.E. Zion Church where he was faithful in attendance and in stewardship as trustee and treasurer; and

WHEREAS, the death of Mr. Clifton T. McKinnis has indeed left a deep void in the lives and hearts of all those privileged to know him as a compassionate and gentle man; he was a man of good works and deeds and one who has left a lasting legacy of faith, courage, loyalty and love for those who also would reach for the stars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Mr. Clifton T. McKinnis of Mobile, Alabama, one of our state's most outstanding citizens.

BE IT FURTHER RESOLVED, That as he himself comforted the bereaved, we too seek to comfort those who now grieve—his beloved wife, Mrs. Irene M. McKinnis; his daughter and son-in-law, Adrienne and Herndon Harrison; his grandson and granddaughter-in-law, Herndon and Cynthia Harrison; and other family members to whom a copy of this resolution shall be sent.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

By Rep. Kvalheim:

H. J. R. 19. URGING THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS TO RECONSIDER THE RELOCATION OF THE MOBILE LOCAL STATE EMPLOYMENT SERVICE AND UNEMPLOYMENT COMPENSATION OFFICE TO AN INACCESSIBLE LOCATION ON SPRINGHILL AVENUE.

WHEREAS, the Alabama Legislature, in consensus of opinion, is vehemently opposed to the relocation of the local Mobile State Employment Service and Unemployment Compensation Office to a remote and inaccessible site at 4617 Springhill Avenue, as has been proposed; and

WHEREAS, these two offices, now located in downtown Mobile, are so situated as to be readily reached by those in need of such services; and

WHEREAS, a consolidation and relocation of these two offices to such a remote, residential area would serve no purpose other than to create insolvable traffic problems and place an unnecessary burden on those in need of such services; and

WHEREAS, it is unthinkable to this body that such a move would ever be considered that would so add to the burden and plight of the unemployed in our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge and beseech the Alabama Department of Industrial Relations to reconsider its decision to relocate the Mobile local State Employment Service and Unemployment Compensaton Office to the remote Springhill Avenue site now proposed and to instead select a more centrally located office accessible to those it serves.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to inform the Director of the Alabama Department of Industrial Relations, by copy of this resolution, of this request of the Legislature.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Rep. Johnson (R. G.):

H. J. R. 20. COMMENDING MISS SUSAN GLASGOW DUNCAN OF SYLACAUGA, 1983 ALABAMA TEXTILE QUEEN.

WHEREAS, the Alabama Legislature, in pleased concurrence, notes the selection of Miss Susan Glasgow Duncan of Sylacauga as our 1983 Alabama Textile Queen; and

WHEREAS, a native and former resident of Birmingham, Miss Duncan is a graduate of Sylacauga High School and is now an 18-year-old freshman at Auburn University; and

WHEREAS, Miss Duncan, while in high school, was a varsity cheerleader, newspaper editor, a school columnist for the local newspaper, a Sophomore and Senior Class Beauty and was listed in Who's Who Among High School Students; and

WHEREAS, the lovely Miss Duncan also is a very talented young lady who is an accomplished singer, dancer and artist, and one who has excelled in dramatics and is an experienced model as well; and

WHEREAS, she is a member of the First United Methodist Church of Sylacauga where she is active in the Youth Choir and is a former member of her church handbell choir in Birmingham and her school's Christian Life Club; and

WHEREAS, Miss Duncan additionally has participated in a number of other competitions including the Miss Sylacauga pageant; she further was named first alternate in the Talladega County Miss Farm Bureau Pageant and second alternate in the Talladega County Junior Miss Contest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Miss Susan Glasgow Duncan on her many outstanding accomplishments and extend sincere congratulations on her selection as the 1983 Alabama Textile Queen.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution be sent to Miss Duncan with a copy also provided for her parents, Mr. and Mrs. Andrew Duncan, that they all may know of our great pride in Susan as our ambassador for Alabama's textile industry.

On motion of Rep. Johnson (R.G.), the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 21. EXTENDING BEST WISHES TO MRS. LULA TUBBS SHAW OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to note the 90th

birthday, on January 27, 1983, of Mrs. Lula Tubbs Shaw of Birmingham, Alabama; and

WHEREAS, a native of Jasper, Alabama, Mrs. Shaw was born on January 27, 1893; she is the widow of the late Mr. James F. Shaw and they were the parents of two children, their daughter Charlye, now Mrs. James E. Wright, and their son Rosamond; and

WHEREAS, Mrs. Shaw, who is a beloved member of her community, is a longtime and active member of the Homewood Church of Christ where she is both faithful in attendance and in service; and

WHEREAS, it is further to be noted that Mrs. Shaw will be the honoree at a party hosted by her daughter to celebrate this happy occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and many friends of Mrs. Lula Tubbs Shaw of Birmingham, Alabama, in extending warm best wishes and congratulations on her 90th birthday.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Shaw that she may be aware of our sincere regard and of our desire for her continued good health and happiness for many more years to come.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Rep. Carter:

H. J. R. 22. TO CREATE A JOINT INTERIM COMMITTEE TO STUDY THE VALUE OF ALABAMA'S EXISTING INDUSTRY TO THE CONTINUED ECONOMIC GROWTH AND TO THE GENERAL WELFARE AND HAPPINESS OF ITS PEOPLE.

WHEREAS, the value of Alabama's existing industrial complex is often unappreciated in our continuing search for new manufacturing payrolls and other development projects; and

WHEREAS, Alabama's existing manufacturers, through their investments in land, buildings and equipment, through payrolls, purchases and taxes generated, contribute continuously to the well-being of the State's citizens and provide needed public services at all governmental levels; and

WHEREAS, it has been demonstrated many times that the State's existing facilities serve to attract new industry from outside its borders; and

WHEREAS, the announced capital investment for expanding industry has exceeded that of a new industry in every year but six since industrial development statistics were begun in 1947; and

WHEREAS, the announced capital investment for expanding industries has exceeded that of new industries in all but one year since 1955; and

WHEREAS, the progress of the State in expanding its industrial base has been enhanced by the cooperative efforts of the Alabama Development Office; and

WHEREAS, the expansion of an existing facility creating new jobs is just as valuable to a community as the acquisition of a new plant creating

the same number of jobs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the maintenance of a good business climate is essential to the vitality and health of Alabama's existing industrial complex.

BE IT FURTHER RESOLVED, That the Alabama Legislature establish an interim committee to serve as a liaison with the State's existing industry officials in order that state government can be responsive to the particular needs and problems of the manufacturing segment of its economy. Said committee shall be composed of five members of the House appointed by the Speaker of the House and five members of the Senate appointed by the Lieutenant Governor.

Upon request of the committee, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as it may be necessary for the committee's work.

Said committee shall report its findings, conclusions and recommendations to the Legislature not later than the 20th day of the 1983 Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the committee's Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 22, was adopted.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 4, heretofore adopted, the House adjourned until 4:00 o'clock p.m., Wednesday, January 26, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, January 26, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Bob McKee of Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to

their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

STATEMENT BY HANLY FUNDERBURK, PRESIDENT, AUBURN UNIVERSITY, AUBURN, ALABAMA:

Everyone at Auburn University joins in extending sincerest condolences to the family and friends of Coach Paul Bryant. Coach Bryant was indeed one of Alabama's greatest assets setting standards of excellence and quality that made us all aspire for greater successes.

We will miss this great man but his contribution to athletics, education, and the State of Alabama will remain.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. DESIGNATING 1986 AS "THE LIGHTNING ROUTE CENTENNIAL YEAR" IN THE CITY OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 14. COMMENDING MRS. FRANCES MIZELL FOR MERITORIOUS SERVICE TO AGRIBUSINESS EDUCATION IN THE STATE OF ALABAMA.

Also:

H. J. R. 15. COMMENDING THE HOSTS OF THE LEGISLATIVE INAUGURAL PARTY.

Also:

H. J. R. 17. COMMENDING GOVERNOR GEORGE C. WALLACE, THE UNIVERSITY OF ALABAMA, THE ROCHESTER PRODUCTS DIVISION OF GENERAL MOTORS AND THE UNITED AUTO WORKERS UNION.

Also:

H. J. R. 18. MOURNING THE DEATH OF MR. CLIFTON T. McKINNIS OF MOBILE, ALABAMA.

Also:

H. J. R. 20. COMMENDING MISS SUSAN GLASGOW DUNCAN OF SYLACAUGA, 1983 ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 21. EXTENDING BEST WISHES TO MRS. LULA TUBBS SHAW OF BIRMINGHAM, ALABAMA.

MCDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 23. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, January 26, 1983, we adjourn to meet again on Thursday, January 27, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 23, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

H. 3. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

H. 4. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 5. (With Amendment): To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of the state of Alabama; to provide for the appointment of deputy commissioners by the commissioner to serve at his pleasure and to provide for their compensation, and to repeal conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 6. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Substitute): To amend 1975 Code of Alabama, § 40-20-2, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, and to provide an effective date.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 9. To establish a separate crime for intentionally contaminating any public water supply and provides for penalties for violation thereof.

Rep. Campbell, Vice-Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they

were severally read a second time and placed on the Calendar, to-wit:

H. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

H. 16. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

H. 17. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 11 (With Substitute): To allow the Commissioner of Agriculture and Industries, at his discretion, to appoint no more than three executive or confidential assistants in the unclassified service to serve at his pleasure, and shall perform such duties as the Commissioner may assign; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III which said salaries and expenses shall be paid from the Agricultural fund.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and was read a second time and placed on the Calendar, to-wit:

H. 32. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to allow the use of shotgun and number six (6) shot or smaller and standard .22 caliber rimfire firearms other than .22 magnum rimfire firearms in the nighttime hunting of raccoon and opossum.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, with substitute, was read a second time and placed on the Calendar, to-wit:

H. 24. (With Substitute): To amend Section 16-18-1 of the Code of Alabama of 1975.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 7. Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

H. 18. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

H. 19. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

H. 20. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

H. 21. Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid from the county general fund.

H. 22. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

H. 23. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

H. 35. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

H. 36. Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 13. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Ses-

sion and all general permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

H. 14. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 34. (With Amendment): To amend Section 30-3-3 of the Code of Alabama 1975 by permitting the court in its discretion to award visitation rights to grandparents in any subsequent proceeding of a divorce case involving child custody and further providing that this law shall be applicable to all divorces previously granted as well as those subsequently granted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 24. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said committee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of nineteen members of the Committee on Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and four additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the speaker and the

Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for committee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Reps. McKee and Holmes:

H. R. 25. ESTABLISHING THE HOUSE OF REPRESENTATIVES DECORUM COMMITTEE.

WHEREAS, the Alabama Legislature is the official law-making body of this state; and

WHEREAS, the matters before the Legislature affect every man, woman and child of this state and many involve very complicated issues requiring the full attention and concentration of every member; and

WHEREAS, the legislative chambers are visited regularly by many tourists and citizens of this state, and particularly many school children at impressionable ages, trying to understand the legislative process; and

WHEREAS, the House of Representatives feels that there are areas for improvement within its chambers; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That the members of the House of Representatives wish to observe an appropriate conduct and atmosphere while making their deliberation and do establish the Committee on House Decorum which shall, after careful study, make recommendations for rule changes therefor. Said committee shall serve without pay.

BE IT FURTHER RESOLVED, That the Committee on House Decorum shall be composed of five members of the House of Representatives, appointed by the Speaker of the House, who shall make their findings, conclusions and recommendations to the House of Representatives not later than the 3rd legislative day of the next regular session, at which time the said committee shall be dissolved. The Clerk of the House of Representa-

tives shall furnish necessary clerical help and office space and supplies.

MOTION TO SUSPEND RULES AND ADOPT

Rep. McKee offered the motion to suspend the rules and adopt the resolution, H. R. 25.

DIVISION OF THE QUESTION

Rep. Turner called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. McKee to suspend the rules in order to take up for immediate consideration the resolution, H. R. 25, and the motion was lost, lacking a four-fifths vote.

Yeas 51; Nays 26.

Yeas:

Reps.: Adams, Bennett, Biddle, Box, Brooks, Browder, Campbell, Clikas, Coleman, Cosby, Crow, Faulk, Flowers, Freeman, Gaston, Grimsley, Hammett, Harper, Hettinger, Johnson (A. L.), Johnson (Roy), Junkins, Lauderdale, Layton, Lewis, McKee, McMillan, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rice, Richardson, Scott, Smith, Starr, Stout, Thornton, Turner, Turnham, Venable, White (L), Wilson, Wright and Zoghby.

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Nays:

Mr. Speaker, Albright, Ashley, Blake, Boles, Bowling, Bryant, Carothers, Carter, Casey, Coburn, Dutton, Goodwin, Hall, Holley, Horn, Howard, Langford, Martin, Mathis, Moore, Parker, Rains, Rogers, Starkey and Tucker.

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The resolution, H. R. 25, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 6. DESIGNATING 1986 AS "THE LIGHTNING ROUTE CENTENNIAL YEAR" IN THE CITY OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 14. COMMENDING MRS. FRANCES MIZELL FOR MERITORIOUS SERVICE TO AGRI-BUSINESS EDUCATION IN THE STATE OF ALABAMA.

Also:

H. J. R. 15. COMMENDING THE HOSTS OF THE LEGISLATIVE INAUGURAL PARTY.

Also:

H. J. R. 17. COMMENDING GOVERNOR GEORGE C. WALLACE, THE UNIVERSITY OF ALABAMA, THE ROCHESTER PRODUCTS DIVISION OF GENERAL MOTORS AND THE UNITED AUTO WORKERS UNION.

Also:

H. J. R. 18. MOURNING THE DEATH OF MR. CLIFTON T. McKINNIS OF MOBILE, ALABAMA.

Also:

H. J. R. 20. COMMENDING MISS SUSAN GLASGOW DUNCAN OF SYLACAUGA, 1983 ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 21. EXTENDING BEST WISHES TO MRS. LULA TUBBS SHAW OF BIRMINGHAM, ALABAMA.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Sen. Smith (J):

S. J. R. 1. ESTABLISHING LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, January 25, 1983, we adjourn to meet again on Wednesday, January 26, 1983, when we adjourn on Wednesday, January 26, 1983, we adjourn to meet again on Thursday, January 27, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Res-

olution and sends same herewith to the House for its consideration:

By Senators Smith (B), Cooley, Aldridge, Smith (J), Mitchem, Little, Robertson, Mitchell, Barron, Bachus, Bedsole, and Dixon:

S. J. R. 3. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be joint study committee on industrial expansion, economic growth, and jobs, which shall be a continuing committee to make a study of any and all aspects of industrial expansion, economic growth, and development, and jobs in the state, hold hearings and inquire into ways and means of improving conditions in the aforementioned areas. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs and the House Committee on Commerce and Industrial Development. The chairman of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs shall serve as the Chairman of this committee, and the chairman of the House Committee on Commerce and Industrial Development shall serve as Vice-chairman. The chairman of the committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Out of state travel will be allowed for the members of the committee but must be approved by the chairman of the committee and the Lieutenant Governor for the members of the Senate and the Speaker for members of the House. Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service and the Legislative Fiscal Office. The total of all expenses for the committee shall not exceed $30,000.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 2. COMMENDING FORMER ESCAMBIA COUNTY SHERIFF G. S. "SCOTTY" BYRNE.

Also:

By Senator Little:

S. J. R. 4. COMMENDING THE REVEREND JOHN H. JEFFERS, PASTOR OF THE FIRST BAPTIST CHURCH OF AUBURN, ALABAMA.

Also:

By Senators Little and Corbett:

S. J. R. 6. MOURNING THE DEATH OF MR. CHARLES L. INGRAM OF LEE COUNTY, ALABAMA.

Also:

By Senators Corbett, Little, Teague, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), and Smith (J):

S. J. R. 7. MOURNING THE DEATH OF MR. JOSEPH WILSON SMITH OF PHENIX CITY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 4 and S. J. R. 6, the titles of which are set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 7, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 16. HONORING GOVERNOR "FOB" JAMES.

WHEREAS, Governor "Fob" James rendered four years of loyal and dedicated service to the State of Alabama; and

WHEREAS, Governor James faithfully served the people of Alabama with unselfish and outstanding zeal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby expresses heartfelt appreciation to Governor Fob James for the dedicated service he rendered during his administration.

BE IT FURTHER RESOLVED, That the desk chair in the Governor's office which Governor James used during his term of office be presented to him as a token of appreciation and high esteem.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 16, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Proctor and Teague:

S. J. R. 18. COMMENDING MISS POLLY HOLLIDAY.

WHEREAS, a native Alabamian, Miss Polly Holliday has brought great fame and honor to our state and has distinguished herself as an outstanding performer, one who is firmly established as a star of stage, screen and television; and

WHEREAS, Miss Holliday, who was born in Jasper in Walker County, Alabama, is a graduate of the University of Montevallo with additional post graduate study acquired at Florida State University; her degree in music education led to a short tenure as a music teacher followed by some ten years as a member, variously, of the Asolo State Theatre Repertory Company, the Front Street Theatre and Atlanta Municipal and Boothbay Playhouses, appearing in more than 80 plays; and

WHEREAS, perhaps in Alabama, Miss Holliday is best known and loved for her role as "Flo" in the CBS Television Series, "Alice," and for which portrayal she won back-to-back Golden Globe Awards; she further is the recipient of five Emmy Award nominations and an honorary doctorate from Mount Saint Mary College; and

WHEREAS, Miss Holliday's additional credits include All Over Town on Broadway, The Shady Hill Kidnapping for PBS, NBC's live telecast of All The Way Home, CBS movie Missing Children and numerous film appearances including "The One and Only" and "You Can't Take it With You"; and

WHEREAS, in spite of the many demands on Miss Holliday as an accomplished actress, she yet devotes much of her time and effort on behalf of such worthy causes as the National Retinitis Pigmentosa Foundation which

she has served as National Chairwoman and Honorary President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise and commend Miss Polly Holliday, a beloved daughter of the State of Alabama; we further congratulate her on her latest honor as University of Montevallo "Alumna of the Year" and direct that she receive a copy of this resolution in small token of our appreciation and utmost regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Smith, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 21. MOURNING THE DEATH OF MR. G. H. WRIGHT, FORMER LONGTIME MAYOR OF AUBURN, ALABAMA.

Also:

By Senator Little:

S. J. R. 22. COMMENDING MR. EUGENE C. GWALTNEY, JR., OF ALEXANDER CITY, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

By Senator Little:

S. J. R. 23. HONORING MR. EDGAR LEON McGRAW UPON HIS RETIREMENT AS EDITOR AND HEAD OF THE DEPARTMENT OF RESEARCH INFORMATION OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 21, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, the title of which is set out in the above and foregoing Message from the Senate.

The resolution, S. J. R. 23, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turnham, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 26. COMMENDING THE FACULTY AND STAFF OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION AND THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

WHEREAS, Auburn University is a Land-Grant University in the State of Alabama; and

WHEREAS, the Alabama Agricultural Experiment Station is an integral part of the University; and

WHEREAS, its establishment in the year 1883 makes this the centennial year for the Alabama Agricultural Experiment Station; and

WHEREAS, the Alabama Agricultural Experiment Station has had a major impact on the lives and incomes of the people of Alabama; and

WHEREAS, Alabama has a gross farm income of well over two billion dollars; and

WHEREAS, the mission of the Alabama Agricultural Experiment Station is to conduct both applied and basic scientific research programs bearing, directly and indirectly, on the establishment and maintenance of permanent and effective agricultural and forest industries in Alabama; on development and improvement of the rural home and of rural life; to protection of our soil and water resources, and to improvements in the quality of our environment; and

WHEREAS, the members of the Alabama Legislature take pride in the achievements of the Alabama Agricultural Experiment Station that have brought the Station national and international acclaim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend commendations and best wishes to the Alabama Agricultural Experiment Station faculty and staff as well as to the Board of Trustees of Auburn University for their contributions to the achievements of the Alabama Agricultural Experiment Station over the past one hundred years.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Chairman of the Board of Trustees of Auburn University, the President of Auburn University, Vice-President for Agriculture, Home Economics, and Veterinary Medicine at Auburn University, and to the Dean and Director of the Alabama Agricultural Experiment Station.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Reps. Thomas, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 27. MOURNING THE DEATH OF MR. JOHN BAUGH AND MR. WILLIE THOMPSON AND EXPRESSING CONCERN FOR THOSE INJURED AS A RESULT OF A WILCOX COUNTY INDUSTRIAL ACCIDENT.

WHEREAS, the Alabama Legislature has been deeply shocked and is profoundly saddened by the deaths of Mr. John Baugh of Rogersville and Mr. Willie Thompson of Camden on January 26, 1983; and

WHEREAS, Mr. Baugh and Mr. Thompson lost their lives as the result of a tragic industrial accident when an explosion occurred in the power house section of a Wilcox County paper mill where they were employed; the accident also caused harm to some 11 other employees, with Mr. J. W. Frye and Mr. A. F. Sylvester most gravely injured; and

WHEREAS, it is indeed regrettable that an accident of such proportion has occurred in our state and we are gravely concerned for the families of those who lost their lives, for the victims so severely injured and for the companies involved, all of whom have our sympathy and support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deepest sympathy to the families of Mr. John Baugh and Mr. Willie Thompson, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we also express concern for the injured and their families, and for their employers, during this time of great adversity for them all.

On motion of Rep. Thomas, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Brakefield, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk,

Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 28. EXTENDING CONGRATULATIONS AND BEST WISHES TO WALKER COUNTY CENTENARIAN, MR. WILLIAM EDWARD CORDES OF JASPER.

Also:

The following resolutions were introduced:

By Rep. Rains:

H. J. R. 29. COMMENDING MR. VERLON WHITE OF GERALDINE, DeKALB COUNTY, ALABAMA.

WHEREAS, Mr. Verlon White of Geraldine, Alabama, in addition to full-time employment with Reeves Rubber Company, also devotes a great deal of his effort, time and resources in working with his community's youth sports program, an endeavor of the past 16 years; and

WHEREAS, Mr. White, who has coached football, basketball and softball, once saw one of his football teams go 26 games, unbeaten; he also has coached several players who were later to become head coaches in local area high schools; and

WHEREAS, of particular note, however, is Coach White's Geraldine Sixth Graders basketball team which he organized just three years ago; a roster of fine young athletes who have made their coach justifiably proud with 50 consecutive victories out of 50 games played; and

WHEREAS, following their 50th win on January 8, 1983, the team presented Coach White with a commemorative plaque in appreciation for his dedication, talented tutelage and for his sacrificial efforts in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Coach Verlon White of Geraldine, Alabama, for his care and concern for the youth of his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. White that he and his family may know of our warm praise and sincere regard.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Rep. Rains:

H. J. R. 30. COMMENDING THE GERALDINE SIXTH GRADERS ON THEIR 50th BASKETBALL VICTORY.

WHEREAS, the Alabama Legislature is both pleased and proud to note the 50th basketball victory on January 8, 1983, of the Geraldine Sixth Graders, an extraordinary group of young cagers who can further boast of a career team record of 50-0 in just three years; and

WHEREAS, when Coach Verlon White first organized the team, these outstanding young athletes were just small-fry third graders who were to play their first full schedule of games the following year; and

WHEREAS, during this three-year period, the team also outscored its opponents 665-251, an amazing accomplishment for a group of athletes of any age; and

WHEREAS, it is further to be noted that these fine young men from Geraldine, participants in the community's youth sports program, have played and beaten such teams as those from Gadsden, Guntersville, Albertville and Boaz in addition to regular-schedule teams such as Henagar, Fyffe and Collinsville, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend tribute to the Geraldine, Alabama, Sixth Graders Basketball Team on its 50th consecutive victory and its perfect career record to date.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the team in care of their talented Coach, Mr. Verlon White.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Reps. White (L) and Turnham:

H. J. R. 31. COMMENDING FORMER TALLAPOOSA COUNTY SHERIFF JAMES T. FARROW.

WHEREAS, the Alabama Legislature expresses sincere appreciation to former Tallapoosa County Sheriff James T. Farrow whose tenure in office encompassed the years 1963 to 1983; and

WHEREAS, following his first term in office, Sheriff Farrow was subsequently re-elected to four successive four-year terms during which time he continued to render dedicated and invaluable service to the citizens of Tallapoosa County; and

WHEREAS, Sheriff Farrow also, prior to 1963, held the position of circuit clerk for a period of ten years for a total of 30 years in public office, an outstanding record matched by few of our state's citizens; and

WHEREAS, a lifelong resident of Tallapoosa County and an alumnus of Auburn University, Mr. Farrow is a Methodist, a United States Marine Corps veteran of World War II, and is a member of both the Alabama and the National Sheriffs Associations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein tender deep appreciation to former Tallapoosa County Sheriff James T. Farrow for meritorious service to the citizens of Tallapoosa County, and express sincere praise of his many accomplishments as a dedicated public servant.

BE IT FURTHER RESOLVED, That a copy of this resolution be pro-

vided for Sheriff Farrow that he may be aware of our deep regard and of our warm best wishes for his every future success.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

By Rep. White (L):

H. J. R. 32. COMMENDING MR. AND MRS. ED WALLS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary on January 13, 1983, of Mr. and Mrs. Ed Walls of Hackneyville, Alabama; and

WHEREAS, Mr. Walls and his lovely young bride, Miss Beuna Cleveland, were united in marriage on January 13, 1933, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. and Mrs. Walls, the parents of six boys, have five remaining sons; they also have 11 grandchildren and two fine great grandchildren, all of whom gathered with other family and friends to help Mr. and Mrs. Walls celebrate this joyous occasion at a party held in their honor in the Reception Hall of the First Baptist Church of Hackneyville where they have long worshiped as members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and many friends in congratulating this exemplary couple, Mr. and Mrs. Ed Walls, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Walls that they may know of our congratulations and sincere best wishes for every future happiness.

On motion of Rep. White (L), the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

By Rep. Thornton:

H. J. R. 33. COMMENDING DR. CHARLES S. MURRY, ASSISTANT DEAN OF MILES COLLEGE SCHOOL OF LAW.

WHEREAS, as Assistant Dean and a teaching professor at Miles College School of Law, Dr. Charles S. Murry serves as director of the school's Special Projects Program, an undertaking which focuses on community service in a number of fields; and

WHEREAS, this commendable support program is designed solely for the purpose of benefitting, uplifting and developing people of the communities and its involvement primarily is in providing statewide consultant services in such areas as city planning, economic development, black lung benefits, social security, business development and voting rights, among others; and

WHEREAS, eminently qualified for such commanding positions, Dr.

Murry is a graduate of Mohawk Valley Technical Institute in Electronic Technology and holds a B.A. Degree from Miles College, cum laude, as well as Master of Natural Sciences, in mathematics and physics, and Juris Doctor Degrees from Arizona State University and that University's School of Law, respectively; and

WHEREAS, Dr. Murry, who also is a United States Air Force veteran is the recipient of an inordinate number of awards, honors and accolades, including consequential recognition by his own Law Fraternity, Delta Theta Phi, as the recipient of its prestigious Teacher of the Year Award; and

WHEREAS, it is to be noted that further profile of Dr. Murry's responsible accomplishments and noteworthy contributions would merely prove repetitive of past recognitions of his achievement and extensive experience in a broad spectrum of areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Charles S. Murry for his many outstanding achievements and, most particularly, for his impressive accomplishments as Director of the Special Projects Program of Miles College School of Law.

BE IT FURTHER RESOLVED, That Dr. Murry receive a copy of this resolution that he may be aware of our sincere appreciation, admiration and utmost regard.

On motion of Rep. Thornton, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Murphy:

H. J. R. 34. COMMENDING THE THOMPSON HIGH SCHOOL WARRIORS, ALABAMA'S STATE 3A FOOTBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Thompson High School Warriors whose outstanding perfect season record, 14-0, culminated in a 14-11 win over Oxford High School and the 1982 State 3A Football Championship; and

WHEREAS, the Warrior's '82 championship was achieved under the direction and leadership of Head Coach Larry Simmons and his talented staff of assistants Ellie Glasscox, Donnie Kennedy, Denis Cobb, Thomas Johnson, Billy Woodham and Roddy Stamps; and

WHEREAS, in further congratulating Alabaster's Thompson High, it is to be noted that, in great team effort, the Warriors put a season total of 362 points on the board while holding their opponents to just 118 points for the season—an average of 25 points per game for the Warriors and just 8.4 for their opposition; and

WHEREAS, with three shut-out games also to their credit, the Warrior's season statistics additionally show an incredible total yardage of 4,865 for the year and only 1,831 for the competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alabaster's Thompson High School as our State 3A Football Champions for 1982.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent

to Coach Simmons, on behalf of his staff and his championship Warriors, with a copy also provided for appropriate school display.

On motion of Rep. Murphy, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Reps. Holmes and Reed:

H. J. R. 35. COMMENDING LIEUTENANT GOVERNOR GEORGE McMILLAN UPON THE CLOSE OF HIS DISTINGUISHED TENURE OF SENATE LEADERSHIP.

WHEREAS, the Alabama Legislature is united in sincere appreciation to Lieutenant Governor George D. H. McMillan, Jr., for his distinguished service as Presiding Officer of the Alabama Senate; and

WHEREAS, Governor McMillan, a native of Greenville, in Butler County, Alabama, is a graduate of Auburn University, the University of Alabama's School of Law, and is a practicing attorney in Birmingham, and is a former member of both the Alabama House and Senate; and

WHEREAS, upon assumption of office four years ago, Governor McMillan pledged to the citizens of Alabama that he would strive to preside with strict impartiality at all times to assure a fair hearing of all issues brought before the Alabama Senate; he has been meticulously faithful to that pledge and the regard we hold for him speaks eloquently of our assessment that he has indeed kept the faith; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our warmest personal regard to Lieutenant Governor George D. H. McMillan, Jr.; we further most highly commend Governor McMillan for outstanding service and direct that he receive a copy of this resolution in declaration of our sincere affection and esteem.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 35, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Clark and Buskey:

H. 39. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Local Government.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 23, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, January 27, 1983.

THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, January 27, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Thomas Lane Butts, Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—100

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Holley, the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to wit:

H. 26. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from

the requirement of mandatory continuing legal education.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

H. 25. (With Amendment): To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to wit:

H. 33. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 7. MOURNING THE DEATH OF MR. JOSEPH WILSON SMITH OF PHENIX CITY, ALABAMA.

On motion of Rep. Casey, the resolution, S. J. R. 7, was adopted.

Also:

S. J. R. 23. HONORING MR. EDGAR LEON McGRAW UPON HIS RETIREMENT AS EDITOR AND HEAD OF THE DEPARTMENT OF RESEARCH INFORMATION OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION.

On motion of Rep. Casey, the resolution, S. J. R. 23, was adopted.

BILLS ON THIRD READING

And the bill:

H. 7. Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Blake, Blakeney, Brakefield, Butler, Campbell, Carothers, Carter, Casey, Coburn, Colemen, Cosby, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (A. L.), Junkins, Laird, Langford, Lauderdale, Layton, McMillan, Mathis, Minus, Newman, Nicholson, Parker, Penry, Rains, Sasser, Scott, Smith, Starkey, Starr, Trammell, Turner, Venable, Waggoner,

Warren, White (F), Wilson, Wright and Zoghby.

—53

And the bill:

H. 18. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 2.

Yeas:

Reps.: Albright, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Casey, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Trammell, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—65

Nays: Reps. Bryant and Kennedy. —2

And the bill:

H. 19. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—73

Nay: Rep. Bryant. —1

And the bill:

H. 20. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administra-

tion fee for said judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Laird, Layton, McMillan, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—65

And the bill:

H. 21. Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid from the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson and Wright.

—68

And the bill:

H. 22. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Reps.: Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins,

Laird, Lauderdale, Layton, Lewis, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Smith, Starkey, Starr, Stout, Venable, Waggoner, White (F), White (L), Wilson and Wright.

—59

And the bill:

H. 23. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 6.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Smith, Starr, Stout, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—66

Nays: Reps. Bryant, Buskey, Kennedy, Langford, Melton and Thomas.—6

And the bill:

H. 35. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Mathis, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—69

And the bill:

H. 36. Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as

items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—72

And the bill:

H. 2. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

Nay: Rep. Cosby. —1

CO-SPONSOR ADDED

Rep. Venable was added as co-sponsor to the bill, H. 2.

And the bill:

H. 3. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 1

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—96

Nay: Rep. Payne. —1

And the bill:

H. 4. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month througout the year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—99

And the bill:

H. 5. (With Amendment): To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of

the state of Alabama; to provide for the appointment of deputy commissioners by the commissioner to serve at his pleasure and to provide for their compensation, and to repeal conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 5 on page 3, line 11 by deleting the word "man" and inserting in lieu thereof the word:

person

And the amendment was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 5, as amended:

Amend H.B. 5, Section 3, Pages 2 & 3, line(s) 35 & 5 by (striking after the word) officer the following: or at a reasonable level in excess thereof

AMENDMENT TABLED

On motion of Rep. Johnson (Roy), the amendment offered by Rep. Hammett to the bill, H. 5 as amended, was tabled.

Yeas 66; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Ford, Freeman, Goodwin, Grimsley, Hall, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Smith,

Starr, Stout, Thomas, Thornton, Turner, White (F), White (L), Williams, Wilson and Wright.

—66

Nays:

Reps.: Blakeney, Brooks, Campbell, Carothers, Carter, Cosby, Crow, Flowers, Gaston, Hammett, Howard, Kvalheim, Lewis, McKee, McMillan, Minus, Payne, Penry, Starkey, Turnham, Waggoner, Warren and Zoghby.

—23

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 5, as amended:

Amend House Bill 5, on page 3, line 27, by deleting the following sentence:

"They shall devote their full time to their official positions and shall hold no other lucrative position while serving as such".

and by inserting in lieu thereof the following:

"The deputy commissioners shall be persons of good character, of good business, educational or administrative experience, shall have no financial interest in any partnership, corporation or association with which the department has any financial dealings and shall devote their full time to their official position and shall have no other lucrative position while serving as such."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—95

Nay: Rep. Thornton. —1

And the bill, H. 5, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

CO-SPONSOR ADDED

Rep. Holmes was added as co-sponsor to the bill, H. 5.

And the bill:

H. 6. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments in only the city of New York and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 6:

House Bill 6 is hereby amended in the following respects:

Section 1, (b) In its entirety is deleted and substituted therefore shall be the following wording;

"(b) not more than 15 business days before the actual due date of principal and interest, the treasurer shall remit to the fiscal agent, by wire transfer or draft, the total amount of principal, interest, and expenses of the fiscal agent, due on said bonds."

Section 1, (c) Is hereby amended by deleting the entire subparagraph (c) and by substituting therefore with the following subparagraph (c);

"(c) for the purpose of paying principal and interest on any issues of funded indebtedness, the treasurer with the written consent of the Governor, shall designate no more than two banks, one or more within the State of Alabama and, if necessary one which may be from outside the State of Alabama."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—94

And the bill, H. 6, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—95

And the bill:

H. 1. (With Substitute): To amend 1975 Code of Alabama, § 40-20-2, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, and to provide an effective date.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Code of Alabama 1975, §§ 40-20-2 and 40-20-8, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, to amend the allocation and distribution formula, and to provide an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Code of Alabama 1975, Section 40-20-2, is amended to read as follows:

§ 40-20-2. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of ~~six~~ eight percent of the gross value of said oil or gas at the point of production. All wells producing less than 40 barrels of oil per day shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production. All ~~wells that come into production after September 1, 1979, shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production for a period of 10 years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of six percent on such wells that go into production after September 1, 1979, provided that said additional increase shall be limited to these oil and gas wells from 15,000 and 15,800 feet in the smackover information.~~

(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license, or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this article.

(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. ~~Any person who is a royalty owner shall be exempt from the payment of any increase in taxes herein levied and shall not be liable therefore.~~

(e) In all cases of production of oil from unit operations as authorized

and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient therefor shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.

Section 2. Code of Alabama 1975, Section 40-20-8, is amended to read as follows:

§ 40-20-8. (a) Twenty five percent of the net amount of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state.

(b) Sixty-six and two-thirds percent of the ~~net amount~~ remaining seventy-five percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according to the 1970 federal decennial census, such funds shall be allocated and distributed to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed as follows: Each year the first $150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said $150,000.00 each year, the balance of said funds shall be divided and paid one third to the custodian of the county school funds and two thirds to the custodian of the county general funds.

(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality.

(3) Fifty percent of the first $150,000.00 remaining, or any part thereof, collected per year under the provisions of this article, shall be allocated and distributed to the state, 42½ percent to the county and seven and one-half percent to municipalities therein on a population basis.

(4) Eighty-four percent of all additional sums collected per year under the provisions of this article shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

(c) Sixteen and two-thirds percent of the ~~net amount~~ remaining seventy-five percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

(d) Sixteen and two-thirds percent of the ~~net amount~~ remaining seventy-five percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective the first of the month following the month in which it is approved by the governor.

And the substitute was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—87

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 1 as amended:

Amend the Substitute for H.B. 1, page 3, Section 1, subsection (d), lines 10, 11 and 12, by deleting the last sentence beginning with the words "Any person . . . " and insert in lieu thereof the following:

Any person who is a royalty owner shall be exempt from the payment of any increase in the taxes herein levied and shall not be liable therefor.

AMENDMENT TABLED

On motion of Rep. Casey, the amendment offered by Rep. Turner to the bill, H. 1 as amended, was tabled.

Yeas 49; Nays 33.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Bowling, Brakefield, Browder, Bryant, Carter, Casey, Coburn, Coleman, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Junkins, Langford, Lauderdale, Layton, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Preuitt, Rains, Rice, Richardson, Sasser, Starkey,

Venable and White (L).

—49

Nays:

Reps.: Blakeney, Box, Brooks, Buskey, Clark, Clikas, Cosby, Escott, Gaston, Harper, Howard, Johnson (Roy), Kennedy, Kvalheim, Lewis, McKee, McMillan, Melton, Owens, Payne, Penry, Poole, Scott, Smith, Starr, Thomas, Turner, Waggoner, Warren, White (F), Wilson, Wright and Zoghby.

—33

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 1 as amended:

Amend Substitute for H.B. 1, page 1, Subsection (a), line 33 by reinserting the following stricken language:

All wells that come into production after September 1, 1979, shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production for a period of 10 years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of six percent on such wells that go into production after September 1, 1979, provided that said additional increase shall be limited to those oil and gas wells from 15,000

Further amend Substitute for H.B. 1, page 2, line 6, by deleting ~~and 15,800~~

Further amend Substitute for H.B. 1 by reinserting on page 2, lines 6 and 7 the following stricken language: feet in the smackover and norphlet formations.

AMENDMENT TABLED

On motion of Rep. Casey, the amendment offered by Rep. Harper to the bill, H. 1 as amended, was tabled.

Yeas 55; Nays 25.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Butler, Carothers, Carter, Casey, Coburn, Coleman, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Mitchell, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rice, Richardson, Sasser, Smith, Starr, Thomas, Trammell, White (L) and Wilson.

—55

Nays:

Reps.: Blakeney, Box, Buskey, Clark, Clikas, Cosby, Gaston, Hammett, Harper, Howard, Kennedy, Kvalheim, Lewis, McKee, McMillan, Minus, Owens, Payne, Penry, Scott, Starkey, Turner, Waggoner, Warren and Zoghby.

—25

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 27. MOURNING THE DEATH OF MR. JOHN BAUGH AND MR. WILLIE THOMPSON AND EXPRESSING CONCERN FOR THOSE INJURED AS A RESULT OF A WILCOX COUNTY INDUSTRIAL ACCIDENT.

Also:

H. J. R. 29. COMMENDING MR. VERLON WHITE OF GERALDINE, DeKALB COUNTY, ALABAMA.

Also:

H. J. R. 30. COMMENDING THE GERALDINE SIXTH GRADERS ON THEIR 50th BASKETBALL VICTORY.

Also:

H. J. R. 31. COMMENDING FORMER TALLAPOOSA COUNTY SHERIFF JAMES T. FARROW.

Also:

H. J. R. 32. COMMENDING MR. AND MRS. ED WALLS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING DR. CHARLES S. MURRY, ASSISTANT DEAN OF MILES COLLEGE SCHOOL OF LAW.

Also:

H. J. R. 34. COMMENDING THE THOMPSON HIGH SCHOOL WARRIORS, ALABAMA'S STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 35. COMMENDING LIEUTENANT GOVERNOR GEORGE McMILLAN UPON THE CLOSE OF HIS DISTINGUISHED TENURE OF SENATE LEADERSHIP.

McDOWELL LEE,
Secretary.

H. 1 RESUMED

MOTION TO POSTPONE LOST

The motion offered by Rep. Buskey to temporarily postpone further consideration of the bill, H. 1 as amended, was lost.

MOTION TO ADJOURN LOST

The motion offered by Rep. Penry that the House adjourn until 1:00 o'clock p.m., Tuesday, February 1, 1983, was lost.

Yeas 39; Nays 52.

Yeas:

Reps.: Biddle, Blakeney, Boles, Box, Brooks, Butler, Campbell, Carothers, Clark, Clikas, Cosby, Crow, Gaston, Grimsley, Hammett, Harper, Howard, Junkins, Kvalheim, Laird, Layton, Lewis, McMillan, Minus, Moore, Murphy, Payne, Penry, Rice, Sasser, Starkey, Stout, Thomas, Tucker, Turner, Waggoner, White (L), Wright and Zoghby.

—39

Nays:

Mr. Speaker, Adams, Albright, Ashley, Blake, Bowling, Brakefield, Browder, Bryant, Carter, Casey, Coburn, Coleman, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (Roy), Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Parker, Poole, Preuitt, Richardson, Rogers, Scott, Smith, Starr, Thornton, Trammell, Venable, Warren, White (F) and Wilson.

—52

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 27. MOURNING THE DEATH OF MR. JOHN BAUGH AND MR. WILLIE THOMPSON AND EXPRESSING CONCERN FOR THOSE INJURED AS A RESULT OF A WILCOX COUNTY INDUSTRIAL ACCIDENT.

Also:

H. J. R. 29. COMMENDING MR. VERLON WHITE OF GERALDINE, DeKALB COUNTY, ALABAMA.

Also:

H. J. R. 30. COMMENDING THE GERALDINE SIXTH GRADERS ON THEIR 50th BASKETBALL VICTORY.

Also:

H. J. R. 31. COMMENDING FORMER TALLAPOOSA COUNTY SHERIFF JAMES T. FARROW.

Also:

H. J. R. 32. COMMENDING MR. & MRS. ED. WALLS ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 33. COMMENDING DR. CHARLES S. MURRY, ASSISTANT DEAN OF MILES COLLEGE SCHOOL OF LAW.

Also:

H. J. R. 34. COMMENDING THE THOMPSON HIGH SCHOOL WARRIORS, ALABAMA'S STATE 3A FOOTBALL CHAMPIONS.

Also:

H. J. R. 35. COMMENDING LIEUTENANT GOVERNOR GEORGE McMILLAN UPON THE CLOSE OF HIS DISTINGUISHED TENURE OF SENATE LEADERSHIP.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1 RESUMED

On motion of Rep. Holley, the motion offered by Rep. Buskey to postpone further consideration of the bill, H. 1 as amended to the fifth legislative day, was tabled.

Yeas 59; Nays 19.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Browder, Bryant, Butler, Campbell, Carter, Casey, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Murphy, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Trammell, Turnham, Venable, White (F), White (L), Williams and Wilson.

—59

Nays:

Reps.: Box, Clark, Clikas, Cosby, Gaston, Hammett, Harper, Kennedy, Kvalheim, Lewis, McMillan, Minus, Nevett, Newman, Payne, Penry, Turner, Waggoner and Zoghby.

—19

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 1 as amended:

In the Synopsis, page 1, line 7, and in the title, page 1, line 18, delete the period mark and insert the following additional language:

, and to provide conditional provisions relating to the continuation or termination of said additional two (2) percent tax.

In Section 1, page 1, line 30, after the period mark following the underlined word "production", insert the following underlined language:

It is further provided, however, that the additional two percent tax shall terminate automatically three (3) years following the effective date of this amendatory Act and shall revert to a six (6) percent levy upon the gross

value of said oil or gas at the point of production, unless the additional tax is extended by a two-thirds (⅔) vote of the entire membership of the house of representatives and the senate of the legislature.

AMENDMENT TABLED

On motion of Rep. Casey, the amendment offered by Rep. McMillan to the bill, H. 1 as amended, was tabled.

Yeas 52; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Blakeney, Bowling, Brakefield, Bryant, Campbell, Carter, Casey, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Ford, Freeman, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Laird, Langford, Lauderdale, Martin, Mitchell, Moore, Murphy, Parker, Poole, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Trammell, Venable, White (L) and Wilson.

—52

Nays:

Reps.: Box, Buskey, Clark, Clikas, Cosby, Gaston, Grimsley, Hammett, Harper, Howard, Kennedy, Kvalheim, McKee, McMillan, Minus, Nevett, Newman, Owens, Payne, Penry, Rains, Scott, Thornton, Turner, Turnham, Warren and Zoghby.

—27

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 1 as amended:

Amend Substitute for H.B. 1, page 1, Subsection (a), line 33 by reinserting the following stricken language:

All wells that come into production after September 1, 1979, shall be taxed at the rate of five percent of the gross value of said oil or gas at the point of production for a period of 10 years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of eight percent on such wells that go into production after September 1, 1979, provided that said additional increase shall be limited to those oil and gas wells from 15,000

Further amend Substitute for H.B. 1, page 2, line 6, by deleting ~~and 15,800~~

Further amend Substitute for H.B. 1 by reinserting on page 2, lines 6 and 7 the following stricken language: feet in the smackover formation and norphlet formations.

AMENDMENT TABLED

On motion of Rep. Casey, the amendment #2 offered by Rep. Harper to the bill, H. 1 as amended, was tabled.

Yeas 56; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Bowling, Brakefield, Browder,

Bryant, Butler, Carter, Casey, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Langford, Lauderdale, Martin, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Rice, Sasser, Smith, Starkey, Starr, Stout, Thornton, Trammell, Venable, White (L) and Wilson.

—56

Nays:

Reps.: Blakeney, Box, Buskey, Clark, Clikas, Davis, Escott, Flowers, Harper, Howard, Kennedy, Kvalheim, Lewis, McKee, McMillan, Minus, Nevett, Payne, Penry, Preuitt, Rains, Richardson, Scott, Turner, Waggoner, Warren, White (F) and Zoghby.

—28

And the bill:

H. 1. To amend Code of Alabama 1975, §§ 40-20-2 and 40-20-8, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, to amend the allocation and distribution formula, and to provide an effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turnham, Venable, White (F), White (L), Williams and Wilson.

—69

Nays:

Reps.: Blakeney, Boles, Box, Brooks, Buskey, Clark, Clikas, Cosby, Ford, Gaston, Hammett, Harper, Howard, Kennedy, Kvalheim, Lewis, McKee, McMillan, Newman, Payne, Penry, Rains, Scott, Thornton, Turner, Waggoner, Warren and Zoghby.

—28

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Manley.

RESOLUTION

The following resolution was introduced:

By Reps. Johnson (Roy), Drake, Adams, Albright, Ashley, Bennett, Biddle,

Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 36. MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

WHEREAS, even now in shock and though sorely bereft in grief, the Alabama Legislature must share its sorrow with all our state, the nation and the world in the death, January 26, 1983, of Paul William Bryant, legendary coach and mentor to a legion of young athletes; and as grown men weep, his loss to us all is mirrored in their tears; and

WHEREAS, though a native of Arkansas, Coach Bryant was truly a first citizen of Alabama where he was schooled, and from whence he journeyed to take his first step to the pinnacle of his profession; and

WHEREAS, Coach Bryant returned to his beloved Alma Mater as Head Football Coach for the University of Alabama Crimson Tide some twenty-five years ago; it was here, among family, friends and hero-worshippers, that Coach Paul "Bear" Bryant amassed the great majority of his great victories to establish his record as the winningest coach in college football history; and

WHEREAS, Coach Bryant was a man loved by all those whose lives he touched; a man greatly admired by his champions and rivals alike; and, above all, a man who epitomized a secret desire in us all—to succeed yet remain humble in achievement and to give so much, expecting so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Alabama's own Coach Paul William Bryant, expressing a desire that an appropriate period of mourning be observed throughout our state, in honor and loving memory of one whose singularity was in his capacity to give, and in a manner so free of vanity that it was a quality he never knew he possessed.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Bryant's beloved wife, Mrs. Mary Harmon Bryant, and for their children and other family members for whom we are deeply concerned in their time of such great sorrow.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 36, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Res-

olution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 44. MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

WHEREAS, even now in shock and though sorely bereft in grief, the Alabama Legislature must share its sorrow with all our state, the nation and the world in the death, January 26, 1983, of Paul William Bryant, legendary coach and mentor to a legion of young athletes; and as grown men weep, his loss to us all is mirrored in their tears; and

WHEREAS, though a native of Arkansas, Coach Bryant was truly a first citizen of Alabama where he was schooled, and from whence he journeyed to take his first step to the pinnacle of his profession; and

WHEREAS, Coach Bryant returned to his beloved Alma Mater as Head Football Coach for the University of Alabama Crimson Tide some twenty-five years ago; it was here, among family, friends and hero-worshippers, that Coach Paul "Bear" Bryant amassed the great majority of his great victories to establish his record as the winningest coach in college football history; and

WHEREAS, Coach Bryant was a man loved by all those whose lives he touched; a man greatly admired by his champions and rivals alike; and, above all, a man who epitomized a secret desire in us all—to succeed yet remain humble in achievement and to give so much, expecting so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Alabama's own Coach Paul William Bryant, expressing a desire that an appropriate period of mourning be observed throughout our state, in honor and loving memory of one whose singularity was in his capacity to give, and in a manner so free of vanity that it was a quality he never knew he possessed.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Coach Bryant's beloved wife, Mrs. Mary Harmon Bryant, and for their children and other family members for whom we are deeply concerned in their time of such great sorrow.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 44, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor, Honorable George C. Wallace, was received and read before the House of Representatives:

STATE OF ALABAMA
GOVERNOR'S OFFICE
MONTGOMERY 36130

GEORGE C. WALLACE
Governor.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

DONE THIS 27th DAY OF JANUARY, 1983.

STATE OF ALABAMA
GOVERNOR'S OFFICE
MONTGOMERY 36130

GEORGE C. WALLACE
Governor.

January 27, 1983

The Alabama House of Representatives
State Capitol
Montgomery, Alabama

Speaker Drake, Ladies and Gentlemen:

I recognize that you have worked expeditiously during this special session toward passage of legislation to meet the desperate needs of our state. I also recognize that a special session presents certain hardships and inconveniences on many of you. However, I know that you realize the urgency involved in this legislation, and I respectfully request that you meet continuously until the package of legislation that I presented to you is passed.

To do so would ensure that those elderly persons and others served by medicaid continue to remain in nursing homes and receive the health care necessary to sustain their very lives. Your continued action would also indicate to the people of this state your dedication to the duty and responsibility to which you were elected.

We also realize that there are other matters of pressing importance for which you must be called back to address at a later date. Therefore, I call for your cooperation and personal sacrifice on behalf of the people of Alabama and urge you to remain in session through Saturday and pass these bills.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the

following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 2. COMMENDING FORMER ESCAMBIA COUNTY SHERIFF G. S. "SCOTTY" BYRNE.

Also:

S. J. R. 4. COMMENDING THE REVEREND JOHN H. JEFFERS, PASTOR OF THE FIRST BAPTIST CHURCH OF AUBURN, ALABAMA.

Also:

S. J. R. 6. MOURNING THE DEATH OF MR. CHARLES L. INGRAM OF LEE COUNTY, ALABAMA.

Also:

S. J. R. 7. MOURNING THE DEATH OF MR. JOSEPH WILSON SMITH OF PHENIX CITY, ALABAMA.

Also:

S. J. R. 16. HONORING GOVERNOR "FOB" JAMES.

Also:

S. J. R. 18. COMMENDING MISS POLLY HOLLIDAY.

Also:

S. J. R. 21. MOURNING THE DEATH OF MR. G. H. WRIGHT, FORMER LONGTIME MAYOR OF AUBURN, ALABAMA.

Also:

S. J. R. 22. COMMENDING MR. EUGENE C. GWALTNEY, JR., OF ALEXANDER CITY, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

Also:

S. J. R. 23. HONORING MR. EDGAR LEON McGRAW UPON HIS RETIREMENT AS EDITOR AND HEAD OF THE DEPARTMENT OF RESEARCH INFORMATION OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Teague:

S. J. R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, when the two houses adjourn today they adjourn to meet again on Friday, January 28, 1983 and that when the two houses adjourn on Friday, January 28, 1983, they adjourn to meet again on Saturday, January 29, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Campbell offered the following substitute to the resolution, S. J. R. 45:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we adjourn today, Wednesday, January 26, 1983, we adjourn to meet again on Thursday, January 27, and when we adjourn on Thursday, January 27, we adjourn to meet again on Tuesday, February 1, 1983.

SUBSTITUTE TABLED

On motion of Rep. Johnson (Roy), the substitute offered by Rep. Campbell to the resolution, S. J. R. 45, was tabled.

Yeas 55; Nays 38.

Yeas:

Mr. Speaker, Albright, Blake, Bowling, Brakefield, Browder, Bryant, Butler, Carothers, Casey, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Flowers, Freeman, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Layton, McKee, Martin, Mitchell, Murphy, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Smith, Thomas, Thornton, Trammell, Turner, Venable, Warren, Wilson and Wright.

—55

Nays:

Reps.: Adams, Ashley, Blakeney, Box, Brooks, Buskey, Campbell, Cosby, Escott, Faulk, Ford, Gaston, Grimsley, Hammett, Harper, Howard, Johnson (A. L.), Kvalheim, Lewis, McMillan, Mathis, Minus, Nevett, Owens, Payne, Penry, Rice, Sasser, Starkey, Starr, Stout, Tucker, Turnham, Waggoner, White (F), White (L), Williams and Zoghby.

—38

MOTION TO SUSPEND RULES AND ADOPT

Rep. Johnson (Roy) offered the motion to suspend the rules and adopt the resolution, S. J. R. 45.

DIVISION OF THE QUESTION

Rep. Campbell called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Johnson (Roy) to suspend the rules in or-

der to take up for immediate consideration the resolution, S. J. R. 45, was lost, lacking a four-fifths vote.

Yeas 73; Nays 26.

Yeas:

Mr. Speaker, Albright, Ashley, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Smith, Starr, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Wilson and Wright.

—73

Nays:

Reps.: Adams, Boles, Box, Campbell, Cosby, Gaston, Grimsley, Hammett, Harper, Howard, Johnson (A. L.), Kvalheim, Lewis, McMillan, Minus, Owens, Payne, Penry, Rice, Sasser, Starkey, Stout, Tucker, Waggoner, Williams and Zoghby.

—26

The resolution, S. J. R. 45, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Rep. Johnson (Roy), the House stood in temporary recess to the call of the Chair, in order to allow the Standing Committee on Rules to meet.

Yeas 68; Nays 24.

Yeas:

Mr. Speaker, Albright, Ashley, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Smith, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (L), Wilson and Wright.

—68

Nays:

Reps.: Boles, Box, Campbell, Cosby, Gaston, Grimsley, Hammett, Harper, Johnson (A. L.), Kvalheim, Lewis, McMillan, Minus, Payne, Penry, Rice, Sasser, Starkey, Starr, Tucker, Waggoner, White (F), Williams and Zoghby.

—24

NOTICE IN WRITING

Rep. Laird filed the following Notice in Writing:

Notice is hereby given, that on the next legislative day, a motion will be made to amend House Rule 47 by adding "Small Business" to the list of standing committees of the House.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, when the two houses adjourn today they adjourn to meet again on Friday, January 28, 1983 and that when the two houses adjourn on Friday, January 28, 1983, they adjourn to meet again on Saturday, January 29, 1983.

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 45, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report with amendment:

H. J. R. 12. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Said committee amendment being as follows:

Amend House Joint Resolution 12, line 38, after the word "exceed" by striking ~~$10,000~~ and inserting in lieu thereof $7,000.

On motion of Rep. Turner, the amendment was adopted.

On motion of Rep. Turner, the resolution, H. J. R. 12 as amended, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 37. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, January 27, 1983, we adjourn to meet again at 5:00 p.m. Friday, January 28, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 37, was adopted.

Also:

By Reps. Wilson, Langford, Starr, McKee, Thomas and Holmes:

H. J. R. 38. COMMENDING MRS. PAULINE C. EUBANKS FOR

MERITORIOUS SERVICE TO MONTGOMERY COUNTY, ALABAMA, AND OUR STATE.

WHEREAS, the recent retirement of The Honorable Pauline C. Eubanks as Circuit Court Clerk brought to a close a distinguished career of more than 25 years in meritorious service to Montgomery County and the State of Alabama; and

WHEREAS, as one of the most able and highly respected persons ever to serve in such capacity, Mrs. Eubanks has earned the admiration and regard of members of the Bar, statewide, and of litigants, witnesses, jurors and others of the public whom she has served so well through the years; and

WHEREAS, "Miz Polly," as she is widely and affectionately known, has been a ray of sunshine through her warmth and cheerfulness and, most particularly, has been a fountain of knowledge to the many young Montgomery attorneys who have sought and received her expert advice and assistance on numerous occasions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein bespeak our utmost commendation and regard of Mrs. Pauline C. Eubanks upon her retirement as Clerk of the Circuit Court of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That in deep appreciation for her long years of distinguished public service, a copy of this resolution shall be provided for Mrs. Pauline C. Eubanks of Montgomery, Alabama.

On motion of Rep. Wilson, the rules were suspended and the resolution, H. J. R. 38, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Goodwin, Kirkland, Keener, Covington, Mitchem, Teague, Bishop, Bailey, Bedsole, Cooley, Boyington and Parsons:

S. 25. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Also:

By Senators Goodwin, Kirkland, Keener, Covington, Mitchem, Teague, Bishop, Bailey, Bedsole, Cooley, Boyington and Parsons:

S. 23. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 25. Ways and Means.

S. 23. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Goodwin, Kirkland, Keener, Covington, Mitchem, Teague, Bishop, Bailey, Bedsole and Parsons:

S. 21. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Also:

By Senators Goodwin, Kirkland, Keener, Covington, Mitchem, Teague, Bishop, Bailey, Bedsole, Cooley, Boyington and Parsons:

S. 22. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 21. Ways and Means.

S. 22. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Smith (J), Bishop and Teague:

S. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments

for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 12. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Denton:

S. 3. To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

Also:

By Senators Smith (J), Bishop and Teague:

S. 11. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

Also:

By Senators Mitchem, Denton and Barron:

S. 8. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make

deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Also:

By Senators Mitchell and Proctor:

S. 17. To provide further for the expenses of the state auditor.

Also:

By Senators Smith (B), Barron and Smith (J):

S. 29. To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

Also:

By Senators Smith (J), Bishop and Teague:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Also:

By Senator Parsons:

S. 27. To amend the Alcoholic Beverage Licensing Code (§ 28-3A-25) so as to include certain offenses in the proscribed unlawful acts and offenses.

Also:

By Senator Kirkland:

S. 7. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 3. Banking.

S. 11. Banking.

S. 8. Ways and Means.

S. 17. Ways and Means.

S. 29. Local Government.

S. 13. Banking.

S. 27. Judiciary.

S. 7. Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 36. MOURNING THE DEATH OF ALABAMA'S BELOVED COACH, PAUL WILLIAM BRYANT.

Also:

H. J. R. 38. COMMENDING MRS. PAULINE C. EUBANKS FOR MERITORIOUS SERVICE TO MONTGOMERY COUNTY, ALABAMA, AND OUR STATE.

Also:

H. J. R. 7. COMMENDING COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 8. ENCOURAGING ALABAMA'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION IN THE AREAS OF NATIONAL DEFENSE AND SOCIO-ECONOMICS.

Also:

H. J. R. 10. REGARDING THE RETENTION OF GOVERNOR GEORGE C. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

Also:

H. J. R. 19. URGING THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS TO RECONSIDER THE RELOCATION OF THE MOBILE LOCAL STATE EMPLOYMENT SERVICE AND UNEMPLOYMENT COMPENSATION OFFICE TO AN INACCESSIBLE LOCATION ON SPRINGHILL AVENUE.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:35 A.M. On January 27, 1983

H. J. R. 6

H. J. R. 14

H. J. R. 15

H. J. R. 17

H. J. R. 18

H. J. R. 20

H. J. R. 21

Delivered to the Governor at 1:35 P.M. On January 27, 1983

H. J. R. 27

H. J. R. 29

H. J. R. 30

H. J. R. 31

H. J. R. 32

H. J. R. 33

H. J. R. 34

H. J. R. 35

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 37 heretofore adopted, the House adjourned until 5:00 o'clock p.m., January 28, 1983.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Friday, January 28, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Charles Ashley, Lauderdale, County.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 21. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

S. 22. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

S. 23. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

S. 25. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 3. To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

S. 11. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

S. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to wit:

S. 29. (With Amendment): To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Campbell.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 39. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Friday, January 28, 1983, that we adjourn to meet again on Saturday, January 29, 1983 at 9:00 A.M.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 39, was adopted.

Also:

By Rep. Holley:

H. R. 40. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 47 be amended as follows:

After standing committee (18), insert a new standing committee (19) and renumber remaining standing committees. New standing committee (19) to read as follows:

(19) Small Business

On motion of Rep. Holley, the rules were suspended and the resolution, H. R. 40, was adopted.

Also:

By Reps. Bowling and Drake:

H. J. R. 41. COMMENDING THE CULLMAN COUNTY POULTRY ASSOCIATION.

WHEREAS, the Alabama Legislature notes with utmost pride that data not long released serves to confirm that Cullman County, Alabama, may well be the "Poultry Capital of the World"; and

WHEREAS, it has long been known that Cullman has led our state in poultry production for many, many years and has been among the top three producing counties, nationwide, for a decade or more; and

WHEREAS, recent compilations indicate, however, that Cullman now truly is the top contender for champion of poultry production throughout the world; and

WHEREAS, of even further importance is the profound economic impact of Cullman County's poultry industry on that area of our state with poultry processors, combined with growers and shippers, providing untold numbers of jobs and vast amounts of income and money to change hands in the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of view, we hereby most highly commend the poultry industry of Cullman County, Alabama, as the "Poultry Capital of the World."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Cullman County Poultry Association that its membership may know of the Legislature's commendation, praise, and of our appreciation for Cullman County's economic contributions to the State of Alabama.

On motion of Rep. Bowling, the rules were suspended and the resolu-

tion, H. J. R. 41, was adopted.

Also:

By Reps. Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 42. ENCOURAGING THE UNITED STATES CONGRESS TO REPEAL THE PROVISIONS OF THE TAX EQUALITY AND FISCAL RESPONSIBILITY ACT OF 1982, REQUIRING THE PERIODIC WITHHOLDING OF TAXES FROM INTEREST ON SAVINGS ACCOUNTS AND DIVIDENDS.

WHEREAS, the Tax Equality and Fiscal Responsibility Act of 1982 which provides for the mandatory reporting and withholding of taxes on savings accounts and dividends at the time they are periodically distributed or credited to such accounts during the tax year; and

WHEREAS, such periodic withholding and reporting causes financial hardships on depositors, bondholders, stockholders, and many additional expenses on the financial institutions and corporations involved; and

WHEREAS, additional burdens are placed on accountants because of the red-tape created in accounting for and crediting properly the periodic tax withheld; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the United States Congress to repeal the provisions of the Tax Equality and Financial Responsibility Act of 1982 requiring the periodic withholding and reporting of taxes from interest on savings accounts and dividends as they are distributed or credited to such accounts during the tax year.

BE IT FURTHER RESOLVED, That in many instances the said tax will be withheld from citizens' savings accounts even though no income taxes would be owed on interest credited to such savings account by the taxpayers thereby penalizing any such taxpayers by their losing the compound interest that would otherwise have been paid on said amounts periodically withheld but not actually owed for taxes.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Reps. Parker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant,

Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 43. MOURNING THE DEATH OF MRS. KATHERINE H. ROBERTS OF HARTSELLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously notes the death of Mrs. Katherine H. Roberts of Hartselle, Alabama, on January 12, 1983, at the age of 67 years; and

WHEREAS, the beloved wife of Mr. Luther E. Roberts, Mrs. Roberts was the mother of our good friend and former colleague in the Alabama House of Representatives, Mr. Tommy Ed Roberts; in addition to her husband and son, Tommy Ed, Mrs. Roberts also is survived by her son, Hewlett, and her daughter, Mrs. Edna Carol Weeks, by her mother, Mrs. Edna W. Hewlett, a sister, and five grandchildren; and

WHEREAS, Mrs. Roberts, a faithful and longtime member of the First United Methodist Church in Hartselle, also was active in numerous of her community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Katherine H. Roberts of Hartselle, Alabama, and extend our most heartfelt sympathy to all her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Roberts' husband and children that they and other family members may be aware of our shared sorrow and of our concern for them in their time of grief.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

By Reps. Flowers, Grimsley, Hammett, Mathis, Smith and Faulk:

H. J. R. 44. MEMORIALIZING THE CONGRESS AND U. S. AGRICULTURE SECRETARY JOHN BLOCK TO WORK FOR THE REPEAL OR REVISION OF THE FOOD AGRICULTURE ACT OF 1980.

WHEREAS, the Food Agriculture Act of 1980 effectively abolished peanut allotments and instead set up quotas or poundages for Alabama farmers and those nationwide; and

WHEREAS, this Act has severely punished peanut farmers in the Wiregrass area of Alabama and, in certain cases, has totally deprived many farmers of their means of livelihood; and

WHEREAS, those farmers, for example, who have historically had peanut allotments but who may have leased their acreage for two out of three

years, have lost their quotas or poundages forever and may never again put the peanut farmland in cultivation; and

WHEREAS, during perhaps the most difficult times in our nation's history for the American farmer, it is inconceivable that our federal government would allow a statute to exist that is both punitive and contraproductive for our farmers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the United States Congress and U. S. Agriculture Secretary John Block to fully support the repeal or revision of the Food Agriculture Act of 1980, so as to remove the restriction now imposed on the peanut farmers of Alabama and America.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby instructed to forward copies of this resolution to Secretary John Block, Senators Jeremiah Denton and Howell Heflin and to Representatives William Dickinson and Bill Nichols.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 44, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Flowers and Faulk:

H. R. 45. EXTENDING A WARM WELCOME TO COACH CHAN GAILEY AS HEAD FOOTBALL COACH AT TROY STATE UNIVERSITY.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 7. COMMENDING COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

H. J. R. 8. ENCOURAGING ALABAMA'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION IN THE AREAS OF NATIONAL DEFENSE AND SOCIO-ECONOMICS.

Also:

H. J. R. 10. REGARDING THE RETENTION OF GOVERNOR GEORGE C. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

Also:

H. J. R. 19. URGING THE ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS TO RECONSIDER THE RELOCATION OF THE MOBILE LOCAL STATE EMPLOYMENT SERVICE AND UNEMPLOYMENT COMPENSATION OFFICE TO AN INACCESSIBLE LOCATION ON SPRINGHILL AVENUE.

Also:

H. J. R. 36. MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

Also:

H. J. R. 38. COMMENDING MRS. PAULINE C. EUBANKS FOR MERITORIOUS SERVICE TO MONTGOMERY COUNTY, ALABAMA, AND OUR STATE.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 46. COMMENDING MR. ARTHUR L. WILLIAMS FOR OUTSTANDING SERVICE TO OTHERS.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 39 heretofore adopted, the House adjourned until 9:00 o'clock a.m., Saturday, January 29, 1983.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Saturday, January 29, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Pastor Andersen Todd, Jr., St. John's AME, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton,

Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Adams.

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Campbell.

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Reed, due to absence from the State.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 3. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS.

On motion of Rep. Clark, the resolution, S. J. R. 3, was temporarily postponed.

HOUSE BILLS INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), all House Bills remaining on the Calendar were indefinitely postponed.

BILLS ON THIRD READING

And the bill:

S. 21. To make an appropriation of Trust Income from the Alabama

Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—76

And the bill:

S. 22. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtedness and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Harvey, Hettinger, Holley, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—77

And the bill:

S. 23. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—78

And the bill:

S. 25. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—82

And the bill:

S. 3. To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

Was read a third time at length and passed.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford,

Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—79

Nays: Rep. Minus. —1

S. J. R. 3 AGAIN TAKEN UP

On motion of Rep. Turner, the resolution, S. J. R. 3, which previously was reported favorably by the Standing Committee on Rules and temporarily postponed, was again temporarily postponed.

BILLS ON THIRD READING RESUMED

And the bill:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—83

And the bill:

S. 11. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box,

Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—83

And the bill:

S. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—82

And the bill:

S. 29. (With Amendment): To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill 29, on page 1, line 32, after the end of the sentence by adding the following:

Nothing herein shall be construed as authorizing the construction of buildings for primarily commercial purposes.

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—80

And the bill, S. 29 as thus amended, was read a third time at length and passed.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Carothers, Carter, Casey, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Grimsley, Hall, Hammett, Hettinger, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—78

Nay: Rep. Holley. —1

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 47. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Saturday, January 29, 1983, that we adjourn sine die.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 47, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Res-

olution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 57. HONORING OUR ASSOCIATE, MR. THOMAS EARL GILMORE, FORMER GREENE COUNTY, ALABAMA, "SHERIFF WITHOUT A GUN."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 57, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Robertson:

S. J. R. 54. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

WHEREAS, the economic well-being of our state and nation is both directly and adversely affected by the purchase and use of foreign-made products and goods; and

WHEREAS, numerous of our domestic manufacturers are being forced to close their plants because of foreign competition, resulting in more and more unemployment to the detriment of the economy of entire areas; and

WHEREAS, regrettably, the citizens of Alabama and the entire United States have continued, increasingly, to purchase foreign-made products despite the drastic economic consequences of such actions, and despite the fact that these products are inferior in quality and safety to our domestic products; and

WHEREAS, in light of the drastic and continued decline of our economy, directly related to increased imports, it is more imperative than ever before, that the American people define their loyalties through positive and corrective action; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in repetitive appeal for the support of the entire State of Alabama to further our own economic interests and protect the well-being of all our citizens, we hereby urge that Alabama set an example for the nation by buying and using only American-made products and goods.

BE IT FURTHER RESOLVED, That the officials of all Alabama municipalities and counties give their support to this resolution through public encouragement of loyalty to our domestic manufacturers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 54, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S. J. R. 52. RECOMMENDING TO THE AUBURN UNIVERSITY BOARD OF TRUSTEES THAT THE NEW STUDENT ACTIVITIES BUILDING ON THE AUBURN UNIVERSITY CAMPUS BE NAMED.

WHEREAS, Coach Claude V. Saia of Auburn University has distinguished himself in his many years of service to that institution and her students, faculty, and staff, by promoting quality athletic programs on both the varsity and intramural levels, and

WHEREAS, through Coach Saia's commitment and dedication, Auburn University has achieved national prominence because of the exceptional quality of its athletic programs, and

WHEREAS, Coach Saia is currently the Director of these outstanding intramural programs at Auburn, and

WHEREAS, a new intramural student activity building will soon be completed on the Auburn University campus, to be used for the promotion of good physical and mental health and well-being by the students, faculty and staff of Auburn University, and

WHEREAS, this new activity building represents the culmination of years of work by Coach Saia and his staffs to further promote a better quality of life for Auburn University students, and

WHEREAS, Auburn University students in 1979 voted upon themselves a quarterly assessment towards the payment of this building, taking pride themselves in the accomplishment that this would bring forth for present and future generations of fellow students, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Auburn University Board of Trustees, after requesting input and suggestions from the Student Government Association of Auburn University, develop an appropriate name for the student activity building, keeping in mind the many contributions that Claude V. Saia has made, that his staff has made, and that indeed the Auburn Student Body has made in this monumental happening.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Auburn University Board of Trustees, to the Student Government Association of Auburn University and to Coach Claude V. Saia.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 52, set out in the

above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Barron, Teague and Corbett:

S. J. R. 20. COMMENDING COACH PAT DYE AND THE AUBURN UNIVERSITY TIGERS.

WHEREAS, the Alabama Legislature, in expression of deep pride and pleasure, extends warmest congratulations to Coach Pat Dye and his 14th-ranked Auburn Tigers; and

WHEREAS, we further pridefully note that the Tigers played their 1982 season before a record 739,000 fans, with more than one-half million of those loyal enthusiasts filling Auburn's Jordan-Hare Stadium for the AU home games; and

WHEREAS, Auburn University also had nine players on the Associated Press All-Conference Team with four players named to the Academic All-Conference team, a number which exceeds that of any other SEC team; and

WHEREAS, following an impressive 8-3 regular season, the Tigers traveled to Orlando, Florida, and on December 18, 1982, soundly trounced Boston College, 33-26, playing in the Tangerine Bowl before a capacity crowd of 52,000—Auburn's second consecutive '82 bowl victory, with their first, of course, the 1982 Iron Bowl Classic, 23-22, Auburn over Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Coach Pat Dye and Auburn University on their outstanding 1982 football season.

BE IT FURTHER RESOLVED, That Coach Dye receive a copy of this resolution, on behalf of his entire staff and team, with a copy also forwarded to President Hanly Funderburk for appropriate school display.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 20, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Holmes:

S. J. R. 51. CREATING A JOINT INTERIM COMMITTEE TO STUDY SMALL BUSINESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to be composed of three members of the Senate, appointed by the presiding officer and three members of the House of Representatives, appointed by the Speaker. The committee shall study all aspects of the problems facing small business, including any recommendations in the area of assistance. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $4,200.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 51, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Hilliard:

S. J. R. 53. ENCOURAGING THE STATE OF ALABAMA HIGHWAY DEPARTMENT TO PLACE FOOD AND BEVERAGE VENDING MACHINES IN ALL REST STOP FACILITIES OPERATED BY THE STATE OF ALABAMA LOCATED ON THE INTERSTATE FREEWAYS WITHIN ALABAMA.

WHEREAS, the State of Alabama is nearing completion of the interstate freeway system within the State and, as such, citizens of this State and all visitors to Alabama will be able to drive great distances on the interstates without interruption; and,

WHEREAS, the State of Alabama now operates numerous "Rest Stop" facilities staffed by individuals employed by the Highway Department throughout Alabama; and,

WHEREAS, since Alabama is a state blessed with many beautiful scenic spots of natural beauty as well as other locations of historical interest and importance which cause our citizens and thousands of visitors to travel throughout our State; and,

WHEREAS, Alabama has been actively promoted through its "ALABAMA THE BEAUTIFUL" campaign and will no doubt welcome many visitors through Alabama in the years to come; and,

WHEREAS, Alabama also temporarily welcomes visitors driving through our State to our Gulf beaches and those in Northwest Florida; and,

WHEREAS, it can be expected that thousands, perhaps millions, of tourists, may travel through Alabama to New Orleans for the 1984 World's Fair in the next two years; and,

WHEREAS, it can be reasonably expected that the successful operation of vending machines placed in each of the "Rest Stops" and "Welcome Centers" located throughout Alabama, offering for sale food, beverages, and other small amenities of convenience to the interstate traveler, will necessarily result in additional income to the Highway Department, and, moreover, will undoubtedly reap additional benefits for the tourist industry as travelers will find it more convenient to travel through Alabama and will be favorably disposed to stay longer in Alabama and return again to spend more of their money in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage and request that those officials of the Highway Department properly charged with the operation and maintenance of the interstate "Rest Stop" facilities located within Alabama, undertake an immediate examination as to why vending machines as discussed above have not been previously placed in Alabama, and further explore the feasibility of placing such machines at all interstate "Rest Stops" located in Alabama, including an approximation of all costs involved and a projection of income to be gained from the reasonable use of such machines.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Wallace after his inauguration, and also to Ray Bass and Mack Roberts after they assume their respective positions of Highway Director and Assistant Highway Director, and further, that the Highway Director forward to the President of the Senate and the Speaker of the House after a reasonable time, a written report addressing the questions raised herein.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 53, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 55. COMMENDING MISS STEPHANIE KAY ASHMORE, ALABAMA JUNIOR MISS.

Also:

By Senators Bedford and Denton:

S. J. R. 56. COMMENDING MISS ALYSSA ASHLEY OF KILLEN, LAUDERDALE COUNTY, ALABAMA, AS ALABAMA'S FAIREST OF THE FAIRS QUEEN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 55 and S. J. R. 56, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 48. COMMENDING MR. AND MRS. GEORGE SMITH OF ROANOKE, ALABAMA, ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

By Rep. Gaston:

H. R. 49. COMMENDING MRS. LENORE STRICKLER FOR MERITORIOUS SERVICE TO THE CITY OF MOBILE.

Also:

The following resolution was introduced:

By Rep. Horn:

H. R. 50. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That pursuant to a Notice in Writing previously filed, the House Rules are hereby amended by striking Rule 31a in its entirety.

~~Rule 31a. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.~~

RESOLUTION INDEFINITELY POSTPONED

On motion of Rep. Holley, the resolution, H. R. 50, was indefinitely postponed.

Yeas 50; Nays 29.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Box, Brakefield, Browder, Carter, Casey, Clikas, Coburn, Cosby, Crow, Flowers, Gaston, Grimsley, Harper, Harvey, Holley, Johnson (A. L.), Johnson (Roy), Kennedy, Laird, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Minus, Mitchell, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starr, Turner, Turnham, Venable, Waggoner, Warren, White (F), Wilson, Wright and Zoghby.

—50

Nays:

Reps.: Albright, Bennett, Brooks, Bryant, Clark, Davis, Dutton, Escott, Faulk, Freeman, Hall, Hettinger, Holmes, Horn, Howard, Junkins, Langford, Lewis, McMillan, Melton, Murphy, Parker, Rogers, Sasser, Scott, Starkey, Thomas, Thornton and Tucker.

—29

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holmes:

H. R. 51. HONORING DR. SOLOMON S. SEAY, SR., ON THE OCCASION OF HIS 84TH BIRTHDAY.

Also:

The following resolution was introduced:

By Rep. Waggoner:

H. J. R. 52. COMMENDING BERRY HIGH SCHOOL, BIRMINGHAM, ALABAMA, AS STATE 4-A FOOTBALL CO-CHAMPIONS FOR 1982.

WHEREAS, the Alabama Legislature notes with congratulatory praise the State Co-championship Football Title captured by Berry High School of Birmingham; and

WHEREAS, in Class 4-A competition, Berry High finished their regular season with a winning 6-3-1 record, traveling to the State Playoffs as Region 7 Champions; and

WHEREAS, Berry then racked up big wins over Banks, Tuscaloosa and Anniston, totaling 89 points over the three teams' 35-point total; and

WHEREAS, in the title tilt against a formidable and fired-up Enterprise High, the two teams battled it out before wildly cheering fans to end with a 10-10 tie and each with a share of the 4-A Championship for 1982; and

WHEREAS, leading his team to such an outstanding season was Berry's talented Head Coach Bob Finley and his staff of able assistant coaches Larry Harbin, Larry Giangrosso and Trainer Wayne Kendrick; and

WHEREAS, most particularly to be commended, however, are the Berry High School champs who, both individually and as a team, gave it their all with outstanding performances the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend Birmingham's Berry High School, State 4-A Football Co-champions for 1982.

BE IT FURTHER RESOLVED, That Coach Finley receive a copy of this resolution, on behalf of his staff, managers and team, with a copy also provided for appropriate school display.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Box, Gaston and Kvalheim:

H. R. 53. CONGRATULATING MISS LAURI KENNEDY OF SARALAND, ALABAMA, AS "MISS SATSUMA HIGH."

RECESS

On motion of Rep. Johnson (Roy), the House stood in temporary recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 42. ENCOURAGING THE UNITED STATES CONGRESS TO REPEAL THE PROVISIONS OF THE TAX EQUALITY AND FISCAL RESPONSIBILITY ACT OF 1982, REQUIRING THE PERIODIC WITHHOLDING OF TAXES FROM INTEREST ON SAVINGS ACCOUNTS AND DIVIDENDS.

Also:

H. J. R. 41. COMMENDING THE CULLMAN COUNTY POULTRY ASSOCIATION.

Also:

H. J. R. 43. MOURNING THE DEATH OF MRS. KATHERINE H. ROBERTS OF HARTSELLE, ALABAMA.

Also:

H. J. R. 44. MEMORIALIZING THE CONGRESS AND U. S. AGRICULTURE SECRETARY JOHN BLOCK TO WORK FOR THE REPEAL OR REVISION OF THE FOOD AGRICULTURE ACT OF 1980.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 41. COMMENDING THE CULLMAN COUNTY POULTRY ASSOCIATION.

Also:

H. J. R. 42. ENCOURAGING THE UNITED STATES CONGRESS TO REPEAL THE PROVISIONS OF THE TAX EQUALITY AND FISCAL RESPONSIBILITY ACT OF 1982, REQUIRING THE PERIODIC WITHHOLDING OF TAXES FROM INTEREST ON SAVINGS ACCOUNTS AND DIVIDENDS.

Also:

H. J. R. 43. MOURNING THE DEATH OF MRS. KATHERINE H. ROBERTS OF HARTSELLE, ALABAMA.

Also:

H. J. R. 44. MEMORIALIZING THE CONGRESS AND U. S. AGRICULTURE SECRETARY JOHN BLOCK TO WORK FOR THE REPEAL OR REVISION OF THE FOOD AGRICULTURE ACT OF 1980.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 29. To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 7. Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Also:

H. 35. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Also:

H. 36. Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

Also:

H. 21. Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid

from the county general fund.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 7. Relating to Limestone County; providing a supplement to the salary of each court reporter, payable from the county treasury.

Also:

H. 21. Relating to Sumter County; prescribing certain guidelines for employing and compensating certain personnel in the sheriff's office in said county and providing that the salary of the sheriff's secretary shall be paid from the county general fund.

Also:

H. 35. To alter, rearrange and extend the boundary lines and corporate limits of the City of Florala in Covington County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Also:

H. 36. Relating to Covington County; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county; and to repeal Act No. 1692, H. 2459, 1971 Regular Session, (Acts 1971, p. 2838).

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Rep. Johnson (Roy), the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of two o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 3. To amend Code of Alabama 1975, Section 5-5A-20, so as to provide that the Superintendent of Banks may authorize the opening of a branch in any county if the Superintendent of Banks deems it necessary to protect the public where any bank, state or national, has been closed, is in danger of closing, or otherwise is involved in severe financial condition threatening the stability of a significant number of banks or banks possessing significant financial resources.

Also:

S. 11. To provide that the state or any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, in fully registered form without coupons.

Also:

S. 12. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of erecting necessary public buildings, bridges and roads in such county, and acquiring land therefor; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the proceeds from certain taxes; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; to provide that such warrants shall be legal investments for fiduciaries; and to provide that the issuance of any warrants and any interest coupons applicable thereto shall constitute the audit and allowance of claims against the issuing county and any tax proceeds and revenues, or either, pledged to the payment thereof.

Also:

S. 13. To provide that the state and any public body in the state, whether a county, municipality, board of education, public corporation, public instrumentality, political subdivision, or other public entity howsoever identified, may issue its notes, bonds, certificates of indebtedness, warrants, or other securities howsoever designated, with facsimile signatures of all executing or attesting officers, officials or representatives of the issuer and a facsimile of the corporate seal, if any, of the issuer, if such securities are required to be authenticated by the manual signature of the registrar of such securities.

Also:

S. 21. To make an appropriation of Trust Income from the Alabama Heritage Trust Income Account to the Alabama Medicaid Agency for the ordinary expenses of state government for the fiscal year ending September 30, 1983.

Also:

S. 22. To amend Sections 36-17-8 and 36-17-10 of the Code of Alabama 1975, relating to the procedure for the treasurer in paying principal and interest on bonded indebtednesses and the payment on bonded indebtedness by the fiscal agent, so as to provide further for such procedure, the time-frame for the transfer of funds, and the bank designations; and to provide for certain exceptions as to existing bond debentures; to specifically repeal Sections 36-17-7 and 36-17-9 of the Code of Alabama 1975, relating to the designation of a fiscal agent for bond issue payments ~~in only the city of New York~~ and the method of sending money for payment of indebtedness to the fiscal agency in only such city.

Also:

S. 23. To amend Section 40-5-36, Code of Alabama 1975, so as to require the tax collector of each county to report tax collections twice a month throughout the year.

Also:

S. 25. To amend Section 41-14-34 of the Code of Alabama 1975 regarding payment of interest to the State.

Also:

S. 29. To amend Section 16-18-1 of the Code of Alabama 1975, relating to public educational building authorities, so as to permit a public educational building authority to provide facilities to an educational institution indirectly through a private person, firm or corporation.

Also:

S. J. R. 44. MOURNING THE DEATH OF ALABAMA'S BELOVED COACH PAUL WILLIAM BRYANT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 20. COMMENDING COACH PAT DYE AND THE AUBURN UNIVERSITY TIGERS.

Also:

S. J. R. 52. RECOMMENDING TO THE AUBURN UNIVERSITY BOARD OF TRUSTEES THAT THE NEW STUDENT ACTIVITIES BUILDING ON THE AUBURN UNIVERSITY CAMPUS BE NAMED.

Also:

S. J. R. 53. ENCOURAGING THE STATE OF ALABAMA HIGHWAY DEPARTMENT TO PLACE FOOD AND BEVERAGE VENDING MACHINES IN ALL REST STOP FACILITIES OPERATED BY THE STATE OF ALABAMA LOCATED ON THE INTERSTATE FREEWAYS WITHIN ALABAMA.

Also:

S. J. R. 54. ENCOURAGING OUR CITIZENS TO SUPPORT THE ECONOMY OF ALABAMA AND THE NATION THROUGH THEIR PURCHASE AND USE OF AMERICAN-MADE GOODS.

Also:

S. J. R. 55. COMMENDING MISS STEPHANIE KAY ASHMORE, ALABAMA JUNIOR MISS.

Also:

S. J. R. 56. COMMENDING MISS ALYSSA ASHLEY OF KILLEN, LAUDERDALE COUNTY, ALABAMA, AS ALABAMA'S FAIREST OF THE FAIRS QUEEN.

Also:

S. J. R. 57. HONORING OUR ASSOCIATE, MR. THOMAS EARL GILMORE, FORMER GREENE COUNTY, ALABAMA, "SHERIFF WITHOUT A GUN."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 1. To amend Code of Alabama 1975, §§ 40-20-2 and 40-20-8, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, to amend the allocation and distribution formula, and to provide an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Casey offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 1, said senate amendment being as follows:

Amend H. B. 1 by striking Senate Finance and Taxation Committee

amendment in its entirety.

Further amend H. B. 1 as follows:

On page 1, Section 1 (a) on line 31 strike the words and figures "40 barrels" and insert in lieu thereof the words and figures "10 barrels."

SUBSTITUTE MOTION TABLED

On motion of Rep. Casey, the substitute motion offered by Rep. Buskey that the House non-concur in the Senate amendment to the bill, H. 1, and a Committee on Conference be appointed, was tabled.

Yeas 56; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Carothers, Casey, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rogers, Smith, Starkey, Starr, Stout, Thornton, Trammell, Venable and Wilson.

—56

Nays:

Reps.: Blakeney, Box, Buskey, Clark, Clikas, Cosby, Gaston, Harper, Kennedy, Lewis, McMillan, Melton, Rice, Richardson, Scott, Turner, Waggoner, White (F), White (L) and Zoghby.

—20

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 5. To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of the state of Alabama; to provide for the appointment of deputy commissioners by the commissioner to serve at his pleasure and to provide for their compensation, and to repeal conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 52. COMMENDING BERRY HIGH SCHOOL, BIRMINGHAM, ALABAMA, AS STATE 4-A FOOTBALL CO-CHAMPIONS FOR 1982.

Also:

H. J. R. 12. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

McDOWELL LEE,
Secretary.

H. 1 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the Senate amendment to the bill, H. 1, and on motion of Rep. Casey, the House concurred in and adopted the Senate amendment.

Yeas 54; Nays 23.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Brakefield, Browder, Bryant, Carothers, Casey, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Freeman, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Moore, Murphy, Nicholson, Owens, Parker, Poole, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, White (L) and Wilson.

—54

Nays:

Reps.: Blakeney, Box, Buskey, Clark, Clikas, Cosby, Flowers, Gaston, Harper, Kennedy, Lewis, McMillan, Melton, Minus, Newman, Preuitt, Rains, Scott, Thornton, Turner, Waggoner, White (F) and Zoghby.

—23

And the bill, H. 1, as thus amended, was again read at length and passed.

Yeas 56; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Brakefield, Browder, Bryant, Carothers, Casey, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Moore, Murphy, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, White (L) and Wilson.

—56

Nays:

Reps.: Blakeney, Box, Buskey, Clark, Clikas, Cosby, Gaston, Harper, Kennedy, Lewis, McMillan, Melton, Minus, Newman, Rains, Scott, Turner, Waggoner, White (F) and Zoghby.

—20

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 24. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 24, said Senate amendment being as follows:

H. J. R. 24. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on Finances and Budgets to meet during the interim periods between the regular sessions of the Legislature, during which periods the members, including ex officio members, shall each be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session, and in the same manner and under the same conditions as when they meet in legislative session. Provided, however, that said Committee shall not be paid for more than 30 calendar days in any single interim period. The compensation of Committee employees shall be paid as provided in Sections 29-1-9 and 29-1-10 of the Code of Alabama 1975. It shall be the duty of the Committee to make a careful investigation and study of the financial condition of the state, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation and seventeen members of the Committee on Finance and Taxation to be appointed by the Lieutenant Governor, the President Pro Tempore of the Senate, the Lieutenant Governor, and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, and the Speaker of the House, and four additional members of the House to be appointed by the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio voting members of the Committee.

The Chairman of the Senate Committee on Finance and Taxation and the Chairman of the House Ways and Means Committee shall be Co-Chairmen. The said Co-Chairmen shall set the schedule and program for commit-

tee work. The said Co-Chairmen shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the Committee. The said Co-Chairmen may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the Committee's business and expedite its work. The Committee may employ such clerical and expert assistance as the Committee may find necessary in performing its duties.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

BE IT FURTHER RESOLVED, That the final report of the Committee, along with findings and recommendations, shall be submitted to the Governor and to each member of the Legislature no later than the fifth legislative day of the regular session. Said Committee shall terminate November 1, 1986.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F), White (L), Wilson and Zoghby.

—76

And the resolution, H. J. R. 24, as thus amended, was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor, Honorable George C. Wallace, was received and read before the House of Representatives.

MESSAGE FROM THE GOVERNOR

To the Alabama House of Representatives
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a Message from the Governor.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

DONE THIS 29TH DAY OF JANUARY, 1983

January 29, 1983

To the Alabama House of Representatives
State Capitol

Montgomery, Alabama

Speaker Drake, Ladies and Gentlemen:

I realize that the federally imposed deadline for reapportionment of the Alabama Legislature is drawing nigh. I know that you wish to resolve this matter as soon as possible. Therefore, I am asking that you return to Montgomery in extraordinary session on Tuesday, February 1, 1983 at 6:00 p.m.

Sincerely yours,

GEORGE C. WALLACE,
Governor.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 3. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS.

On motion of Rep. Clark, the resolution, S. J. R. 3, was adopted.

Also:

S. J. R. 51. CREATING A JOINT INTERIM COMMITTEE TO STUDY SMALL BUSINESS.

On motion of Rep. Clark, the resolution, S. J. R. 51, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 5. To create a department of corrections headed by and under the direction, supervision and control of a commissioner of corrections and to provide for his appointment and term of office and compensation; to transfer to the department all powers, authority and responsibilities which, prior to the enactment of sections 14-1-15 through 14-1-17, Code of Alabama 1975, as amended, were vested in the board of corrections and which by such statutes were transferred to the governor of the state of Alabama; to provide for the appointment of deputy commissioners by the commissioner to serve at his pleasure and to provide for their compensation, and to repeal

conflicting laws and specific statutes pertaining to the governor and the former board of corrections and any inconsistencies contained in Title 14, Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Code of Alabama 1975, as amended, which conflict with or are inconsistent with any provision of this act.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE IMPACT OF THE COMPLETION OF THE TENNESSEE-TOMBIGBEE WATERWAY.

Also:

H. J. R. 52. COMMENDING BERRY HIGH SCHOOL, BIRMINGHAM, ALABAMA, AS STATE 4-A FOOTBALL CO-CHAMPIONS FOR 1982.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1. To amend Code of Alabama 1975, §§ 40-20-2 and 40-20-8, so as to delete certain exemptions and provide an eight (two percent additional) percent statewide production privilege tax and to rescind royalty owners tax exemptions so that contracts will not be impaired, to amend the allocation and distribution formula, and to provide an effective date.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 24. CREATING AN INTERIM COMMITTEE ON FINANCES AND BUDGETS.

And Finds Same Correctly Enrolled

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 3. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH, AND JOBS.

Also:

S. J. R. 51. CREATING A JOINT INTERIM COMMITTEE TO STUDY SMALL BUSINESS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:05 A.M. On January 29, 1983

H. J. R. 7

H. J. R. 8

H. J. R. 10

H. J. R. 19

H. J. R. 36

H. J. R. 38

Delivered to the Governor at 3:22 P.M. On January 29, 1983

H. J. R. 41

H. J. R. 42

H. J. R. 43

H. J. R. 44

H. 7

H. 21

H. 35

H. 36

Delivered to the Governor at 8:25 P.M. On January 29, 1983

H. 5

H. J. R. 12

H. J. R. 52

H. 1

H. J. R. 24

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 47 heretofore adopted, the House adjourned sine die at 8:02 o'clock p.m.

JOHN W. PEMBERTON,
Clerk of the House of Representatives,
of the Legislature of Alabama.
Extraordinary Session, 1983.

HOUSE OF REPRESENTATIVES
FIRST EXTRAORDINARY SESSION 1983
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles Adams, 66
Robert E. Albright, 20
Charles Ashley, 1
Jim Bennett, 33
Jack Biddle, III, 35
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OF ALABAMA
FIRST EXTRAORDINARY SESSION 1983

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Speaker Pro-Tem, Tuscaloosa

JOHN W. PEMBERTON, *Clerk*, Montgomery

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7	LAWRENCE, MORGAN	Roger Dutton	RR No. 2, Box 32, Trinity 35673
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9	MORGAN	Paul Parker	303 N. Douglas, Hartselle 35640
10	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055
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12	WALKER, WINSTON	Carl Brakefield	P. O. Box G, Carbon Hill 35549
13	WALKER	Tom Nicholson	P. O. Box 248, Jasper 35501
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15	JEFFERSON, ST. CLAIR	Arthur Payne	2825 2nd St., NW, Birmingham 35215

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18 MADISON
Morris Brooks ..... 9009 Randall, Huntsville 35802

19 MADISON
Dewayne Freeman ..... 366 Jack Coleman Dr., Huntsville 35805

20 MADISON
Robert E. Albright ..... 2024 Stanhope Dr., NE, Huntsville 35811

21 MADISON
Steve R. Hettinger ..... P. O. Box 614, Huntsville 35804

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Duane Lewis ..... 1129 4th Ave., N., Bessemer 35020

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66 RUSSELL
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ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

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97 MOBILE
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101	MOBILE Ken Kvalheim	421 Dogwood Dr., Mobile 36609
102	MOBILE Mary Zoghby	2862 Hilburn Drive, Mobile 36606
103	MOBILE Yvonne Kennedy	1205 Glennon Ave., Mobile 36603
104	MOBILE Steve Clikas	P. O. Box 9436, Mobile 36609
105	MOBILE Taylor Harper	P. O. Box 229, Grand Bay 36541

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JOURNAL

OF THE

House of Representatives

OF THE

STATE OF ALABAMA

SECOND EXTRAORDINARY SESSION OF 1983

HELD IN THE CITY OF MONTGOMERY, ALABAMA

COMMENCING TUESDAY, FEBRUARY 1, 1983

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY SESSION
OF 1983

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 1, 1983

Be it remembered that on the first day of February, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS I FIND, based upon the advice of the Legislature, that there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122, of the Constitution of Alabama 1901:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct, upon the advice, and at the request of the Legislature, that the Legislature of the State of Alabama convene in extraordinary session at the seat of Government, at the State Capitol in Montgomery, Alabama, at 6:00 p.m., on Tuesday, February 1, 1983, and, I do hereby designate the following subjects and matters, which I as Governor, on the advice of the Legislature, be necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to reapportion the legislative districts of the State of Alabama, including both the districts of the State House of Representatives and the districts of the State Senate, so as to provide a fair, equitable, nondiscriminatory, and constitutional method for the citizens of the State of Alabama to elect their Legislators.

2. Legislation to modify, alter or amend existing unemployment compensation statutes and/or to otherwise deal with the problem of the inadequacy of existing unemployment compensation benefits and unemployment compensation funding.

3. Local Legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the

Secretary of State, at the capitol, in the City of Montgomery, on this 1st day of February, 1983.

GEORGE C. WALLACE,
Governor.

ATTEST:

DON SIEGELMAN
Secretary of State

In pursuance whereof, at the hour of 6:00 o'clock p.m., on Tuesday, the first day of February, 1983, the Representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

PRAYER

The session was opened with prayer by Dr. James Walker, First Baptist Church, Clanton, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. R. 1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Holley, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Holley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate,

be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Goodwin, Blake and Trammell.

Also:

By Rep. Holley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 1, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Goodwin, Blake and Trammell.

Also:

By Rep. Holley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the two Houses adjourn today, Tuesday, February 1, 1983, they adjourn to meet again on Wednesday, February 2, 1983.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. Holley:

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES THAT When the House adjourns today, Tuesday, February 1, 1983, that we adjourn to meet again on Wednesday, February 2, 1983, at 3:00 P.M.

On motion of Rep. Holley, the rules were suspended and the resolution, H. R. 5, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Holley, leave of absence was granted for Rep.

Johnson (Roy), due to illness.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Judiciary.

By Rep. Manley:

H. 2. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Judiciary.

By Rep. Manley:

H. 3. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Judiciary.

By Reps. Starkey and Ashley (With Notice and Proof):

H. 4. Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 4, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 5. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before

again becoming a member of either System.

Ways and Means

By Reps. Brooks, Hall, Freeman, Newman, Lauderdale, Nicholson, Hettinger, Scott, Richardson, Box, Zoghby, McKee, Wilson, Albright, Dutton, Cosby, Williams, Clikas, Butler, Smith, Murphy, Starr, Browder, Coleman, Coburn, Harvey, Gaston, Grimsley, Mathis and Junkins:

H. 6. To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Judiciary.

By Reps. Hall, Butler, Freeman, Albright, Parker, Lauderdale, Dutton, Rice, Coburn, Ashley, Goodwin, Starkey, Trammell, Brooks, Martin, Coleman, Harvey, Nicholson, Junkins, Bowling, Stout, Richardson, Rains and Poole:

H. 7. To prohibit certain high school officials from making payments to the Alabama High School Athletic Association if said association fails to recognize Paint Rock Valley High School in Jackson County for post-season athletic competition.

Education.

By Rep. Bennett:

H. 8. To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Education.

By Rep. Turnham:

H. 9. To make an additional appropriation from the "Alabama Board of Examiners in Counseling Fund" in the general fund of the state treasury, for the fiscal year ending September 30, 1983, to the said board for its general operations.

Ways and Means.

By Reps. Cosby and Minus:

H. 10. To provide for a grace period for the 1982 tax year for the payment of the amount of additional income tax liability created by treating alimony payments or separate maintenance payments as income.

Ways and Means.

By Reps. Albright and Ashley:

H. 11. To amend further sections 25-4-16 and 25-4-72, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to increase the taxable wage base from $6,600 to $9,000 and to increase the individual weekly benefit amount in certain instances from $90 to $130.

Business and Labor.

By Reps. Smith and Faulk:

H. 12. Relating to the promotion of the production, research, distribu-

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Agriculture and Forestry.

By Rep. Langford:

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

Judiciary.

By Reps. Zoghby, Mathis, Williams, Box and Rains:

H. 14. To amend Section 30-3-3 of the Code of Alabama 1975, which relates to visitation rights for minor children, by permitting the court in its discretion to award visitation rights to grandparents in any subsequent proceeding of a divorce or death case involving child custody and further providing that this law shall be applicable to all divorces previously granted as well as those subsequently granted or deaths of parents of minor children.

Judiciary.

By Reps. Adams and Johnson (A. L.) (With Notice and Proof):

H. 15. Relating to Russell County; providing that any person who was employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 15, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 16. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Insurance.

By Rep. Turnham:

H. 17. To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $81,293.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remain-

ing in said fund on September 30, 1983, shall be carried over into the following state fiscal year, rather than reverting to the state general fund.

Ways and Means.

By Reps. Biddle, Sasser, Waggoner, Carter and White (L):

H. 18. To amend Section 9-11-235, Code of Alabama 1975 relating to nighttime hunting, so as to allow the use of shotgun and number six (6) shot or smaller and standard .22 caliber rimfire firearms other than .22 magnum rimfire firearms in the nighttime hunting of raccoon and opossum, to further clarify that the provisions thereof are not to apply to the nighttime hunting of raccoon, opossum, and foxes, exclusively with dogs, and to expressly repeal Section 9-11-235.1, Code of Alabama 1975, as amended, relating to the nighttime hunting of raccoon and opossum.

Natural Resources.

By Reps. Horn, Rogers and Davis (With Notice and Proof):

H. 19. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark:

H. 20. To amend Section 11-47-14 of the Code of Alabama, 1975, to permit all municipalities to issue bonds to construct a wharf or wharves and a landing or landings, and to purchase real estate therefor, within the city limits, or within twenty-five miles thereof.

Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Box, Gaston and Kvalheim:

H. R. 6. COMMENDING SATSUMA HIGH SCHOOL'S THOMAS ROBINSON FOR OUTSTANDING CITIZENSHIP.

Also:

The following resolution was introduced:

By Rep. Bennett:

H. J. R. 7. ENDORSING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

WHEREAS, sight is one of mankind's most important senses; and

WHEREAS, every Alabamian should have medical eye care available for the preservation of sight; and

WHEREAS, every Alabamian should be aware that quality medical eye care is available throughout the State of Alabama; and

WHEREAS, the Alabama Academy of Ophthalmology, our State's society of Eye Physicians, is working to inform Alabamians of the need for proper medical eye examinations; and

WHEREAS, the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology are jointly sponsoring the first Eye Injury Registry in the nation to promote the prevention and adequate treatment of eye injuries; and

WHEREAS, many Alabamians are experiencing significant economic and unemployment problems which may prevent their obtaining proper medical eye examinations; and

WHEREAS, participating ophthalmologists throughout Alabama will provide free vision/glaucoma screening in their offices from 2:00 p.m. until 4:00 p.m. on Wednesday, February 9; Wednesday, February 16; and Wednesday, February 23; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby endorse the proclamation of February 1983, as Medical Eye Month in the State of Alabama, and do commend the Alabama Chapter of the American Association of Workers for the Blind and the Alabama Academy of Ophthalmology for their establishment of the nation's first statewide Eye Injury Registry.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 8. MOURNING THE DEATH OF MR. JESSE PRESTON SMITH OF HUGULEY, ALABAMA.

JOINT SESSION

The hour of 6:30 o'clock p.m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives in accordance with House Joint Reso-

lution No. 3, heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, George C. Wallace, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

NOTICE IN WRITING

Rep. Waggoner filed the following Notice in Writing:

On the next legislative day, a motion will be made to add a new House Rule to read as follows:

Rule 51a. The Local Delegation of Jefferson County is empowered to adopt rules of procedure regarding local bills that affect Jefferson County only, and such rules of procedure shall be followed on the floor of the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Kirkland, Smith (J), and Menton.

Also:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO THE JOINT SESSION.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Goodwin, Hilliard, and Cooley.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Rep. Holley:

H. J. R. 9. Be it resolved by the Legislature of Alabama, both Houses concurring, that when we adjourn today, Tuesday, Feb. 1, 1983, we adjourn to meet again Thursday, Feb. 3, 1983, at 10:00 o'clock a.m.

On motion of Rep. Holley, the rules were suspended and the resolution,

H. J. R. 9, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blake:

H. R. 10. CONGRATULATING MRS. MILLIE ELIZABETH BARBER BANNISTER OF RIVERSIDE, ALABAMA, ON THE OCCASION OF HER 70TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Rep. Richardson:

H. J. R. 11. REQUESTING THAT THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES MARITIME ADMINISTRATION PARTICIPATE IN A STUDY TO BE MADE BY THE AMERICAN ASSOCIATION OF PORT AUTHORITIES.

WHEREAS, vast amounts of agricultural commodities, chemicals and petroleum products are moved on our Nation's waterways for export and, in fact, more than one-third of the Nation's waterborne export tonnage are agricultural commodities; and

WHEREAS, the waterways in Alabama presently in use and those contemplated for the future are uniquely situated within the geographic boundaries in Alabama so that they serve as an indispensable conduit, both export and import, for the farmer to move his agricultural commodities and raw materials necessary to produce those commodities; and

WHEREAS, the Federal Administration and the United States Congress are considering increasing waterway users' fees with the end result of these increased fees being to decrease the amount which the farmer receives for his commodities; and

WHEREAS, the American Association of Port Authorities has tentatively agreed to make a study on the cumulative impact on waterway user increased charges on the United States World Grain Trade at no cost to the Federal government; and

WHEREAS, the United States Department of Agriculture and the United States Maritime Administration have in their possession much statistical data and personnel that would be of great aid and assistance in producing the above study that could be furnished to the American Association of Port Authorities at little or no cost to the above Federal agencies.

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, Both Houses thereof concurring, that the United States Department of Agriculture and the United States Maritime Administration be requested to fully cooperate with the American Association of Port Authorities in its study on the cumulative impact on waterway user increased charges on the United States World Grain Trade to include, but not limited to, providing statistical data and staff liaison with the Association.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the President of the United States, the United States Department of Agriculture and the United States Maritime Administration.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Rep. Rains:

H. J. R. 12. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on holidays or on weekends the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or in other state buildings; and

WHEREAS, the pressing affairs of government are such that it is oftentimes necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Henry Steagall, by copy of this resolution, of this request of the Legislature.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Hettinger, Hall, Freeman and Brooks:

H. R. 13. MOURNING THE DEATH OF DR. H. DONALD BECK, JR., OF HUNTSVILLE, ALABAMA.

Also:

By Reps. Hettinger, Hall, Freeman, Albright and Brooks:

H. R. 14. MOURNING THE DEATH OF DR. HARRY M. MURRAY, JR., OF HUNTSVILLE, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Holley:

H. J. R. 15. COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

WHEREAS, the Legislature of Alabama notes with pride that the Enterprise High School Band has been selected to perform at the College Band Directors National Convention in Atlanta, Georgia, March 16-19, 1983; and

WHEREAS, the Enterprise Band, one of only ten High School Bands in the United States to be so selected, will perform their marching show as part of the "Marching Band Extravaganza" that will open the association's 22nd National Conference with an anticipated attendance of more than 500 college band directors and over 2,000 college-university band student members from every state in the nation; and

WHEREAS, under the leadership of Band Director William W. Hickman and Associate Directors J. Danny Meeks, George R. Martin, Jr., and William Cooper, the Enterprise High School has won six consecutive annual superior ratings and was the winner of the Top Class in the 1979 Hoover Invitational Marching Contest, Birmingham; in 1979 at the Southeastern States Marching Contest in Troy; in 1980 at the Governors Cup Marching Contest, Lanett; in 1980 at the Sunbelt Invitational Marching Contest, Moultrie, Georgia; in 1981 at the Mid-Alabama Marching Contest in Midfield; in 1981 at the Peach State Marching Contest, Rome, Georgia; 1982 Deep South Marching Contest in Mobile, and 1982 in the Sunbelt Invitational Contest, Moultrie, Georgia; and

WHEREAS, in 1979 and 1981, the band was the Grand Sweepstakes Winner at Fountain City, Columbus, Georgia, one of the largest contests in the South with bands representing many southern states; it also was selected in 1979 by the National Band Association as one of the top ten marching bands of the United States and traveled to Knoxville, Tennessee, to perform for the National Band Association National Convention; and

WHEREAS, the 1982 Enterprise High School Band consists of 216 students from grades 10-12, performing with 154 horns, 24 percussion, 29 flags, 8 majorettes, and one drum major; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Enterprise High School Band; we further extend congratulations on the band's selection to perform for the College Band Directors National Convention and express our pride in their outstanding representation of the State of Alabama on numerous occasions.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the band and for appropriate display at Enterprise High School.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 15, was adopted.

ADJOURNMENT

On motion of Rep. Holley and pursuant to the resolution, H. J. R. 9 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 3, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama

Thursday, February 3, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Lawson Bryan, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 9. SETTING MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SPONSOR ADDED

Rep. Horn was added as sponsor to the bill, H. 13.

SPONSOR REMOVED

At the request of Rep. Langford, his name was removed as sponsor of the bill, H. 13, due to conflict of interest.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Reps. Mitchell, Carter, Gaston and Clikas.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. R. 16. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, February 3, 1983, we adjourn to meet again on Tuesday, February 8, 1983, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 16, was adopted.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1. (With Amendments): To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

H. 3. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 14. (With Amendment): To amend Section 30-3-3 of the Code of Alabama 1975, which relates to visitation rights for minor children, by permitting the court in its discretion to award visitation rights to grandparents in any subsequent proceeding of a divorce or death case involving child custody and further providing that this law shall be applicable to all divorces previously granted as well as those subsequently granted or deaths of parents of minor children.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 6. To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 16. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 8. To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 12. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 18. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to allow the use of shotgun and number six (6) shot or smaller and standard .22 caliber rimfire firearms other than .22 magnum rimfire firearms in the nighttime hunting of raccoon and opossum, to further clarify that the provisions thereof are not to apply to the nighttime hunting of raccoon, opossum, and foxes, exclusively with dogs, and to expressly repeal Section 9-11-235.1, Code of Alabama 1975, as amended, relating to the nighttime hunting of raccoon and opossum.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 20. To amend Section 11-47-14 of the Code of Alabama, 1975, to permit all municipalities to issue bonds to construct a wharf or wharves and a landing or landings, and to purchase real estate therefor, within the city limits, or within twenty-five miles thereof.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 4. Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

H. 15. Relating to Russell County; providing that any person who was employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 9. (With Amendment): To make an additional appropriation from the "Alabama Board of Examiners in Counseling Fund" in the general fund of the state treasury, for the fiscal year ending September 30, 1983, to the said board for its general operations.

H. 17. (With Amendment): To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $81,293.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall be carried over into the following state fiscal year, rather than reverting to the state general fund.

NOTICE IN WRITING POSTPONED

On motion of Rep. Waggoner, the Notice in Writing filed by him on the first legislative day, was postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. Relating to appointing a committee to notify the Governor that the legislature is in session.

Also:

H. J. R. 3. Relative to appointing a Committee to escort the Governor to the House for a joint session for the purpose of receiving his message.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 17. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senator Larry Dixon and Senator Spencer Bachus be recommended for the NAACP Annual Freedom Award and the Martin Luther King, Jr., Freedom Fight Award for such a courageous fight for the blacks in the Blackbelt.

The resolution, H. J. R. 17, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Martin:

H. 21. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Constitution and Elections.

By Rep. Holley:

H. 22. To make a continuing appropriation to the State Comptroller

from the Fair Trial Tax Fund for the cost of administration of that fund.

Ways and Means.

By Rep. Coburn:

H. 23. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Ways and Means.

By Rep. Coburn:

H. 24. To amend Section 36-22-43, Code of Alabama 1975, which provides for retirement payments for retired sheriffs, so as to increase said payments.

Ways and Means.

By Rep. Johnson (Roy):

H. 25. To amend Act No. , First Special Session 1983 to correct the time of prepayment of debt service from fifteen business days to fifteen calendar days and to increase the number of banks which service debt payments from two to three.

Ways and Means.

By Reps. Cosby, Minus, Starkey, Lewis, Payne, Laird, Manley, Crow, Sasser, Trammell, Owens, Hammett, Grimsley, Johnson (R. G.), Carothers, Williams, Mathis, Johnson (A. L.), White (L), Newman, McMillan and Stout:

H. 26. To amend Sections 39-3-2 and 39-3-3 of the Code of Alabama 1975, relating to contractors engaged in construction of certain public works projects so as to provide further for such contracts.

State Administration.

By Reps. Horn and Rogers (With Notice and Proof):

H. 27. Relating to Jefferson County; pursuant to the exceptions provided for in Section 28-3A-25(a)(20) and (21), Code of Alabama 1975, pocket part (Section 25.A(20) and (21) of Act No. 80-529, Acts of Alabama 1980, pp. 806, et seq.), the Sunday sales and consumption of alcoholic beverages are authorized after 12:01 o'clock P.M. at certain public places; and to repeal all laws or parts of laws which conflict with this act as relate to Jefferson County.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 27, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Horn and Rogers (With Notice and Proof):

H. 28. To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a.m. at licensed places

and establishments in Class I cities; to authorize Class I cities to restrict and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 28, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Wright, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby:

H. R. 18. COMMENDING MR. AND MRS. GEORGE LAYTON OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 40TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Coleman:

H. J. R. 19. COMMENDING THE DOUGLAS HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama notes with commendation the outstanding 1982 football season record of the Douglas High School Eagles; and

WHEREAS, under the talented leadership of Head Coach Paul McAbee and his able assistants Rex Mitchell, Gerry Ledbetter, Keith Swisher and Ross Brooks, the Eagles went 9-1 for their best season ever in the history of Douglas High's football program; and

WHEREAS, it is further to be noted that this outstanding Marshall County 2A powerhouse also wound up 1982 as Runner-up in Area Championship competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the Douglas High School Eagles on the tremendous success of their 1982 football season.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for presentation to Coach McAbee, on behalf of the Eagles, and for appropriate display at Douglas High School.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 19, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 20. COMMENDING MRS. VIOLA FOLEY OF THE ELSANOR COMMUNITY.

WHEREAS, the Alabama Legislature, in concurring sentiment, notes the selection of Mrs. Viola Foley as Elsanor Citizen of the Year for 1982, an honor bestowed in recognition of her lifelong contributions to the community; and

WHEREAS, Mrs. Foley, who is 80 years young, is a lifelong resident of Elsanor and the widow of the late William Hillary Foley; she has three sons, three daughters and a foster son, 36 grandchildren, 66 great grandchildren and four fine great-great grandchildren; and

WHEREAS, Mrs. Foley served for many years as a mid-wife to the women of Elsanor and tended to the children of the community as a "granny doctor"; she further, for many years, kept children in her home, those who lived too far for bus service, that they might be able to attend school; and

WHEREAS, in active P.T.A. involvement, Mrs. Foley helped organize and promote numerous fund-raising projects for the school, and other events sponsored by the Parent-Teacher Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of the Elsanor Community of Baldwin County, Alabama, in most highly commending Mrs. Viola Foley for outstanding community service.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Foley that she may know of our utmost praise and regard.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Reps. Penry and McMillan:

H. J. R. 21. COMMENDING MR. ROY STAPLETON OF BAY MINETTE, AS ALABAMA'S VETERAN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with pride and pleasure the recent designation of Mr. Roy Stapleton of Bay Minette, as Alabama Veteran of the Year; and

WHEREAS, this distinct honor was accorded Mr. Stapleton, a distinguished veteran of World War I, in recognition of longtime service to his community and most particularly his service on behalf of disabled American veterans; and

WHEREAS, in receiving the award, Mr. Stapleton was among other such notables as retired Admiral Hyman George Rickover, who also was an award recipient, and Secretary of the Navy John Lehman, Governor Fob James, National VFW Commander James Currieo and General Don Starry; and

WHEREAS, Mr. Stapleton has been a resident of Bay Minette since 1935 where he and his brother first managed a retail automobile accessories store and later the Stapleton Brothers 5 & 10 which they established and operated for some 18 years; and

WHEREAS, Mr. Stapleton has been active in area veteran's organizations since 1919, a continuous member of the American Legion for 63 years and a member of the Disabled American Veterans for the past decade; he also, even at the age of 91 years, remains active in the organization of community events and maintains a keen and genuine interest in all areas of his community's affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Roy Stapleton of Bay Minette, Alabama; we further congratulate him as Alabama's Veteran of the Year and direct that he receive a copy of this resolution in token of our sincere regard and deep appreciation of his accomplishments.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 21, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 9. Relative to legislative meeting dates from Tuesday, February 1, 1983, to meet again on Thursday, February 3, 1983.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A.M. on February 3, 1983.

H. J. R. 2

H. J. R. 3

Delivered to the Governor at 11:04 A.M. on February 3, 1983.

H. J. R. 9

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 16 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, February 8, 1983.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 8, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. George O'Brian, Pastor, Grace Baptist Temple, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day

and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson, Roy, the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 15. COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

Also:

H. J. R. 19. COMMENDING THE DOUGLAS HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

Also:

H. J. R. 20. COMMENDING MRS. VIOLA FOLEY OF THE ELSANOR COMMUNITY.

Also:

H. J. R. 21. COMMENDING MR. ROY STAPLETON OF BAY MINETTE, AS ALABAMA'S VETERAN OF THE YEAR.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. (With Amendment): To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

H. 28. (With Amendment): To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a.m. at licensed places and establishments in Class I cities; to authorize Class I cit-

ies to restrict and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Casey and Coburn:

H. 29. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay.

Ways and Means.

By Reps. Warren and Smith:

H. 30. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Judiciary.

By Rep. Thomas (With Notice and Proof):

H. 31. Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding and for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Moore and Wilson:

H. 32. To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

Local Government.

By Reps. Albright, Coleman, Blake, Howard, Ashley, Thornton and Trammell:

H. 33. To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits in the event the Trust Fund becomes insolvent; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution when appropriate.

Business and Labor.

RESOLUTIONS

The following resolution was introduced:

By Rep. Cosby:

H. J. R. 22. HONORING MRS. JOHNNIE K. McKNIGHT OF SELMA, ALABAMA, RECIPIENT OF THE PRESTIGIOUS FLORA W. BOYD AWARD.

WHEREAS, since 1956, Mrs. Johnnie K. McKnight has been associated with Selma United Methodist Children's Home as a loving and devoted child care worker whose relationship with her charges reflects genuine care and concern; and

WHEREAS, Mrs. McKnight, who currently lives with ten girls, ages 10-17, has cared for countless numbers of young boys and girls during the past some 25 years, many of whom were emotionally deprived children who greatly responded to Mrs. McKnight's firm but compassionate manner, and to her discipline tempered with love; and

WHEREAS, for her dedication on behalf of innumerable disadvantaged youngsters in Alabama, Mrs. McKnight was recently honored with the Flora W. Boyd Award during annual ceremonies at Birmingham's Hill Crest Hospital; and

WHEREAS, as the first recipient of this prestigious award, "Aunt Johnnie," as she is affectionately known, will become a model for all future nominees, a tribute indeed for one who has given so much to so many and has expected so little in return; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Johnnie K. McKnight of Selma, Alabama, and direct that she receive a copy of this resolution in small token of our deep appreciation, admiration and regard.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 22, was adopted.

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 23. COMMENDING MR. RAY SMITH OF CENTRE, ALABAMA, FOR MERITORIOUS SERVICE WITH THE UNITED STATES POSTAL SERVICE.

Also:

By Rep. White (L):

H. R. 24. EXTENDING WARM BEST WISHES TO MRS. BEULAH BANKS OLIVER OF DADEVILLE, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

The following resolution was introduced:

By Reps. Penry, Harper, Turner, McMillan, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter,

Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Larid, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 25. URGING PRIORITY HIRING OF ALABAMIANS FOR JOB AVAILABILITIES WITHIN THE GAS AND OIL INDUSTRY AND RELATED FIELDS.

WHEREAS, discoveries of large deposits of gas and oil have been made throughout the State of Alabama, and most particularly in Washington, Mobile, Baldwin, Clarke and Escambia Counties where gas finds have been made in substantial amounts; and

WHEREAS, in the last few months discoveries have been made of both oil and gas wells in Mobile Bay and Baldwin County and in the Bay near Dauphin Island and thus, a new field has opened up with drilling in the waters of the State predicted to greatly increase with future oil and gas rigs to be erected in Mobile and Baldwin Counties; and

WHEREAS, the companies involved with exploration and the drilling of wells need, and will increasingly need, helicopter personnel, deep sea divers, pipe fitters, pipe welders, drillers, and suppliers of every nature including food, clothing and ship-to-shore boats, as well, and other tradesmen and even unskilled labor; and

WHEREAS, Baldwin, Mobile and Escambia Counties, and other areas within the State of Alabama have residents with the expertise, ability and knowhow, and with the necessary tools and supplies, to work and perform in every aspect of the gas and oil industry; and

WHEREAS, in light of the exceedingly high unemployment rate in Alabama, one of the highest in the nation, it is obligatory that the gas and oil companies and those in related fields first tap the vast source of available manpower, products, services and goods in Alabama for all job openings and materials necessary in the exploration and operation of oil and gas wells in the waters and State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the qualified citizens of Alabama, and particularly in the Southeast and Southwest portions of our State, be given priority in obtaining jobs and positions throughout all phases of the oil and gas and related industries, and that goods, materials and further services relative to the needs of the companies involved be obtained through Alabama sources of supply.

BE IT FURTHER RESOLVED, That the Clerk of the House is hereby directed to deliver to all companies herein indicated copies of this resolution and that said company officials may comply with the wishes of the Senate and House of the Legislature of Alabama.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Gaston:

H. R. 26. COMMENDING DR. DAVID HORTON OF MOBILE FOR HIS SERVICE TO THE UNIVERSITY OF SOUTH ALABAMA, TO THE ADVANCEMENT OF HIGHER EDUCATION AND TO HIS COMMUNITY.

BILLS ON THIRD READING

And the bill:

H. 4. Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Bowling, Box, Brakefield, Bryant, Butler, Campbell, Casey, Coburn, Coleman, Cosby, Crow, Freeman, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A. L.), Johnson (Roy), Kennedy, Lauderdale, Layton, McMillan, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Penry, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Turnham, Waggoner, White (F), Wilson and Wright.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 15. Relating to Russell County; providing that any person who was employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Casey, Clark, Coburn, Coleman, Cosby, Crow, Dutton, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hettinger, Holmes, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Penry, Poole, Rains, Rice, Richardson, Scott,

Smith, Starr, Turnham, Waggoner, White (F), Wilson and Wright.

—55

And the bill:

H. 1. (With Amendments): To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 1, Section 3, page 75, line 20, by striking the word ~~is~~ immediately following the word "session" where said word appears thereon and insert the following language immediately following the word "session":

, and Act No. 1049, 2nd Special Session 1981, are

And the amendment was adopted.

Yeas 84; Nays 3.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—84

Nays:

Reps.: Ashley, Freeman and Wilson.

—3

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 1 as follows:

Delete the description of House District 17 and insert in lieu thereof the following description:

In Marion County

Bear Creek Division

Bear Creek Town

Tract 9999.99

Enumeration District 400

Remainder of Bear Creek Division
Tract 9999.99
Enumeration District 401T
Enumeration District 401U
Enumeration District 402T
Bexar Division
Tract 9999.99
Enumeration District 406
Hackleburg Division
Hamilton Division
Weston Town
Remainder of Hamilton Division
Tract 9999.99
Enumeration District 409B
Enumeration District 409C
Enumeration District 413A
In Winston County:
Addison Division
Addison Town
Enumeration District 600
Enumeration District 601
Remainder of Addison Division
Enumeration District 602
Enumeration District 604U
Enumeration District 604T
Enumeration District 605U
Enumeration District 605A
Arley Town
Enumeration District 605B
Double Springs Division
Double Springs Town
Enumeration District 606
Enumeration District 607
Enumeration District 608
Enumeration District 610B
Remainder of Double Springs Division

Enumeration District 609U

Enumeration District 610A

Haleyville Division

Remainder of Haleyville Division

Enumeration District 612A

Enumeration District 613

Enumeration District 617

Lynn Division

Lynn Town

Enumeration District 614

Enumeration District 616B

Remainder of Lynn Division

Enumeration District 615

Enumeration District 616A

On page 11, House District 18:

Delete the description of House District 18 and insert in lieu thereof the following description:

HOUSE DISTRICT 18 SHALL CONSIST OF:

All of Franklin County

In Winston County

Haleyville Division

B.N.A. 9901 (Haleyville City)

Enumeration District 611

Enumeration District 612U

Double Springs Division

Enumeration District 609T

Addison Division

Enumeration District 603

And the amendment was adopted.

Yeas 62; Nays 6.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Browder, Bryant, Butler, Carothers, Casey, Clark, Coburn, Coleman, Cosby, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hettinger, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Layton, McKee, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Stout, Thomas, Turner,

Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—62

Nays:

Reps.: Davis, Holmes, Horn, Rogers, Thornton, and Turnham.

—6

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Delete in its entirety the description of House District 62 and insert in lieu thereof the following:

HOUSE DISTRICT 62 SHALL CONSIST OF:

In Tuscaloosa County

Abernant Division

Vance Town

Tract 106

Remainder of Abernant Division

Tract 106

Big Sandy-Duncanville Division

All of the Moundville District

Moundville Town

Tract 107

Remainder of Big Sandy-Duncanville Division

Tract 107

Brookwood Division

Brookwood Town

Tract 106

Tuscaloosa City

Tract 106

Remainder of Brookwood Division

Tract 106

Coaling-Vance Division

Vance Town

Tract 107

Remainder of Coaling-Vance Division

Tract 107

Coker Division

Northport City

Tract 103
Block 125
Block 132
Block 149
Tuscaloosa City
Tract 103
Block 125
Blocks 132-135
Block 149
Remainder of Coker Division
Tract 103
Block 125
Block 132
Blocks 150-154
Blocks 156-159
Blocks 161-166
Blocks 168-169
Fosters Division
Tract 103
Tuscaloosa Division
Tuscaloosa City
Tract 108
Blocks 205-206
Blocks 298-299
Block Group 4
Tract 122
Tract 123
Tract 125
Block Group 2
Remainder of Tuscaloosa Division
Tract 108
Block 207
Blocks 209-213
Blocks 215-216
Block 218
Blocks 222-224

Blocks 227-229
Block 231
Blocks 236-237
Block 239
Blocks 298-299
Blocks 301-308
Blocks 310-318
Block 340
Block 351
Block 398
Block Group 4
Tract 123
Tract 125
Blocks 108-110
Blocks 112-120
Blocks 123-132
Block 134
Blocks 152-154
Block Group 2
Enumeration District 673

Delete in its entirety House District 68 and insert in lieu thereof the following:

HOUSE DISTRICT 68 SHALL CONSIST OF:

In Dallas County
Carlowville Division
Orrville Division
Safford Division
Sardis Division
Tract 9999.99
Enumeration District 63
All of Hale County, Except the Moundville District
All of Perry County

And the amendment was adopted.

Yeas 78; Nays 4.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers,

Carter, Casey, Clark, Coburn, Coleman, Cosby, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—78

Nays:

Reps.: Davis, Holmes, Horn and Langford.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 7. ENDORSING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

Also:

H. J. R. 11. REQUESTING THAT THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES MARITIME ADMINISTRATION PARTICIPATE IN A STUDY TO BE MADE BY THE AMERICAN ASSOCIATION OF PORT AUTHORITIES.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 15. COMMENDING THE ENTERPRISE HIGH SCHOOL BAND.

Also:

H. J. R. 19. COMMENDING THE DOUGLAS HIGH SCHOOL EAGLES ON THEIR OUTSTANDING 1982 FOOTBALL SEASON.

Also:

H. J. R. 20. COMMENDING MRS. VIOLA FOLEY OF THE ELSANOR COMMUNITY.

Also:

H. J. R. 21. COMMENDING MR. ROY STAPLETON OF BAY MINETTE, AS ALABAMA'S VETERAN OF THE YEAR.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1 RESUMED

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

On page 25 (House District 40):

Delete lines 32-39

Delete line 47, and insert in lieu thereof the following:

"Blocks 101-123"

Delete line 48, and insert in lieu thereof the following:

"Blocks 125-127"

Delete lines 49 and 50, and insert in lieu thereof the following:

"Blocks 129-148"

After line 51, insert the following:

"Blocks 160-161"

On page 26 (House District 40):

After line 4, insert the following:

"Enumeration District 9"

"Enumeration District 10"

After line 8, insert the following:

"Enumeration District 14"

On page 26 (House District 41):

After line 43, add the following:

"In Chilton County:

Mineral Springs Division

Jemison Division

Tract 604

Enumeration District 505

Enumeration District 508T

Enumeration District 508U"

Delete lines 20-30 in their entirety

On page 52 (House District 72)

Delete lines 36-41 and insert in lieu thereof the following:

"All of Bibb County"

On page 53 (House District 72)

After line 8, insert the following:

"Tract 604

Enumeration District 502

Enumeration District 503

Enumeration District 504

Enumeration District 506

Enumeration District 507"

Delete line 10

MOTION TO TABLE LOST

The motion offered by Rep. Smith to table the amendment #4 reported by the Standing Committee on Judiciary, was lost.

Yeas 20; Nays 21.

Yeas:

Reps.: Albright, Bowling, Brakefield, Butler, Gaston, Hall, Holmes, Johnson (A. L.), Kennedy, Kvalheim, McMillan, Mathis, Newman, Penry, Rice, Scott, Smith, Thomas, Thornton and Turner.

—20

Nays:

Reps.: Bennett, Blakeney, Box, Bryant, Campbell, Coleman, Grouby, Junkins, Melton, Mitchell, Murphy, Nicholson, Owens, Rains, Richardson, Seibels, Starr, Stout, Turnham, Wilson and Zoghby.

—21

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Judiciary, and the amendment was adopted.

Yeas 32; Nays 14.

Yeas:

Reps.: Ashley, Bennett, Blakeney, Box, Brakefield, Bryant, Coleman, Dutton, Gaston, Grouby, Junkins, Kvalheim, Lauderdale, McKee, Mathis, Melton, Mitchell, Murphy, Nicholson, Owens, Poole, Richardson, Scott, Seibels, Starr, Stout, Thornton, Turner, Turnham, White (L), Wilson and Zoghby.

—32

Nays:

Reps.: Albright, Bowling, Cosby, Hall, Holmes, Howard, Johnson (A. L.), Kennedy, McMillan, Newman, Penry, Rice, Smith and Thomas.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Martin offered the following amendment to the bill, H. 1 as amended:

In section 1, the description of House District 8 shall read as follows:

HOUSE DISTRICT 8 SHALL CONSIST OF:

In Morgan County

Decatur Division

Decatur City

Tract 1

Tract 3

Blocks 212, 213 and 214

Block Groups 3-4

Tract 4

Tract 5

Tract 6

Tract 7

Tract 8

Tract 9

Tract 10

Tract 51

Remainder of Decatur Division

Tract 1

Tract 5

Also in section 1, the description of House District 9 shall read as follows:

HOUSE DISTRICT 9 SHALL CONSIST OF:

In Morgan County

Decatur Division

Decatur City

Tract 2

Tract 3

Block Group 1

Blocks 201-211

Flint City Town

Tract 51

Trinity Town

Tract 51

Remainder of Decatur Division

Tract 2

Tract 6

Tract 7

Tract 10

Tract 51

Block Groups 1-9

Falkville Division

Remainder of Falkville Division

Tract 55

Enumeration District 263

Enumeration District 265

Hartselle Division

Laceys Spring Division

Tract 57

Enumeration District 251

Somerville Division

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Hettinger, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—72

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 1 as amended:

On page 36, regarding House District 50, on line 7, after the language "Tract 124.03" insert:

except blocks 701, 702 and 706

On page 37, regarding House District 51, between line 48 and line 49, insert:

Tract 124.03

Block 701

Block 702

Block 706

AMENDMENT TEMPORARILY POSTPONED

On motion of Rep. Wright, the amendment was temporarily postponed.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 1 as amended:

Amend House Bill 1, Page 60, Line 50, by striking ~~BLOCK GROUP 4~~ and inserting in lieu thereof BLOCK GROUP 7 and on Page 61, Line 47, by striking ~~BLOCK GROUPS 6 7~~ and inserting in lieu thereof BLOCK GROUP 4-6.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 11.

Yeas:

Mr. Speaker, Bennett, Blakeney, Bowling, Box, Brakefield, Butler, Campbell, Carothers, Carter, Casey, Clark, Cosby, Drinkard, Faulk, Flowers, Gaston, Grouby, Hall, Hammett, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Murphy, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Trammell, Turner, Turnham, Venable, White (F), White (L) and Wright.

—54

Nays:

Reps.: Davis, Escott, Holmes, Horn, Howard, Junkins, Kennedy, Melton, Nevett, Rogers and Thornton.

—11

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has ex-

amined the following House Joint Resolutions, to-wit:

H. J. R. 7. ENDORSING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

Also:

H. J. R. 11. REQUESTING THAT THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES MARITIME ADMINISTRATION PARTICIPATE IN A STUDY TO BE MADE BY THE AMERICAN ASSOCIATION OF PORT AUTHORITIES.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1 RESUMED

SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the bill, H. 1 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session and Act No. 82-629, 1982 First Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

HOUSE DISTRICT 1 SHALL CONSIST OF:

In Lauderdale County:

In Tract 0101:

Block Group 1

Block Group 2

Block Group 3

Block Group 4

Block Group 5

All of Tract 0107

Tract 0108

Tract 0115
Tract 0116
Tract 0117
Tract 0118

HOUSE DISTRICT 2 SHALL CONSIST OF:

In Lauderdale County:
In Tract 0101:
Block Group 6
Block Group 7
All of Tract 0102
Tract 0103
Tract 0104
Tract 0105
Tract 0106
Tract 0109
Tract 0110
Tract 0111
In Tract 0112:
Block 103
Block Group 2
Blocks 401, 402 and 403
All of Tract 0113
Tract 0114

HOUSE DISTRICT 3 SHALL CONSIST OF:

In Colbert County:
Tract 0201
Tract 0202
Tract 0203
Tract 0204
Tract 0205
Tract 0206
Tract 0209
Tract 0210
Tract 0207, Block 101 only
In Lauderdale County:
Tract 0112

Block 101
Block 102
Block 149
Block 150
Block Group 3 (all)
Block 405
Block 406
Block Group 5
Block Group 6
Block Group 7
Block Group 9
Enumeration District 444T
Enumeration District 444U
Enumeration District 445

HOUSE DISTRICT 4 SHALL CONSIST OF:

In Colbert County:
Leighton Division (All)
Tract 207 except Block 101 (land only)

In Franklin County:
Russellville Division (All)

In Phil-Campbell Division (Remainder)
Enumeration District 0070U
Enumeration District 0071

HOUSE DISTRICT 5 SHALL CONSIST OF:

In Franklin County:
Red Bay Division (All)
Vina Division (All)
Phil-Campbell Division
Enumeration District 0068
Enumeration District 0069
Enumeration District 0070T

In Marion County:
All except Guin Division

HOUSE DISTRICT 6 SHALL CONSIST OF:

Lamar County (All)
Fayette County

In Marion County:

Guin Division

HOUSE DISTRICT 7 SHALL CONSIST OF:

Lawrence County

In Morgan County:

Danville Division

Decatur Division

Tract 0051:

Block Group 4

Tract 0051:

Block Group 5

Tract 0051:

Block Group 3

Tract 0051:

Block Group 6, except for Blocks 601 through 609p and except for Blocks 623 and 627

Enumeration District 270

HOUSE DISTRICT 8 SHALL CONSIST OF:

In Morgan County:

Decatur Division:

Tract 0001, except for Block Groups 5 and 6

Tract 0004

Tract 0005

Tract 0006

Tract 0007

Tract 0008

Tract 0009

Tract 0010

Tract 0051:

Block Group 1

Block Group 2

Blocks 601 through 609p and Blocks 623 and 627

Block Group 7

Block Group 8

Block Group 9

HOUSE DISTRICT 9 SHALL CONSIST OF:

In Morgan County:

Tract 0001

Block Group 5

Block Group 6

Tract 0002

Tract 0003

Tract 0053

Tract 0054.02

Lacey Springs Division

Tract 0054.01

HOUSE DISTRICT 10 SHALL CONSIST OF:

In Morgan County:

Eva Division

Falkville Division

In Cullman County:

Vinemont Division

Simcoe Division

Baileyton-Joppa Division

Holly Pond Division

Welti Division

Hanceville Division, Except Enumeration District 140 and Enumeration District 137

Jones Chapel Division, Enumeration District 114

HOUSE DISTRICT 11 SHALL CONSIST OF:

In Cullman County:

Cullman Division

Breman Division

Jones Chapel Division, Except Enumeration District 114

Crane Hill Division

Logan Division

Hanceville Division, Enumeration District 140 and Enumeration District 137

In Winston County:

Addison Division (p):

Enumeration District 604T

Enumeration District 605A

Enumeration District 605U

In Double Springs Division:

Enumeration District 606
Enumeration District 607
Enumeration District 608
Enumeration District 610B
Enumeration District 610A

HOUSE DISTRICT 12 SHALL CONSIST OF:

In Winston County:

In Addison Division (p):
Enumeration District 600
Enumeration District 601
Enumeration District 605B
Enumeration District 602
Enumeration District 603
Enumeration District 604U

In Double Springs Division:
Enumeration District 609T
Enumeration District 609U

Haleyville Division (all)

Lynn Division (all)

In Walker County:

Carbon Hill Division
Nauvoo Division
Manchester Division
Townley Division

In Oakman Division (p):
Enumeration District 912

In Remainder of Jasper Division:
Enumeration District 882
Enumeration District 883
Enumeration District 879A
Enumeration District 880
Enumeration District 881
Enumeration District 886
Enumeration District 887

In Remainder of Jasper Division:
Enumeration District 884

Enumeration District 885A

HOUSE DISTRICT 13 SHALL CONSIST OF:

All of Walker County except that part included in House District 42 and House District 12

HOUSE DISTRICT 14 SHALL CONSIST OF:

In Jefferson County:

Tract 0115

Tract 0121.04

Tract 0114

Tract 0113, less Block Group 4, in Block Group 1, Blocks 152 and 153, and in Block Group 3, Blocks 305-11, 340-344, 346-349 and less Block 350 in the Remainder of the Kimberly-Morris Division.

Tract 0122, less Enumeration Districts 112 and 113

Tract 0124.03, less Block Groups 6 and 9

Tract 0123.02, Enumeration District 115

Tract 0121.03, less Block Groups 5, 7 and 9 and in Block Group 2, Block 222

In Blount County:

Tract 0505 - Blountsville Division, except

Enumeration District 782 and

Enumeration District 780

Tract 0506 - Hayden Division

Tract 0507 - Locust Fork Division

Enumeration District 807

Enumeration District 811

Block Group 1

Block Group 3

HOUSE DISTRICT 15 SHALL CONSIST OF:

In Jefferson County:

Tract 0059.04

Block Group 1

Tract 0111.03

Tract 0111.04

Tract 0112.03

Tract 0112.04

Tract 0112.05

Tract 0112.06

Tract 0113.00

Block Group 1

Blocks 152, 153

Block Group 3

Blocks 305-311, 340-344, 346-349, and Block 350 in the Remainder of the Kimberly-Morris Division

Block Group 4

In St. Clair County:

Tract 0405:

Enumeration District 859

Enumeration District 860

Enumeration District 865

HOUSE DISTRICT 16 SHALL CONSIST OF:

In Limestone County:

Tract 0201

Tract 0202

Tract 0203

Tract 0204

Tract 0205

Tract 0206

Tract 0207

Tract 0209

Tract 0210

Tract 0211p, Enumeration District 692

HOUSE DISTRICT 17 SHALL CONSIST OF:

In Limestone County:

Tract 0208

Tract 0212

Tract 0211, less Enumeration District 692

In Madison County:

Tract 0104

Tract 0105, in the remainder of Huntsville Division

Tract 0106, less Blocks 101-104, 149-150, 201-209 and 901-904

Tract 0110

Tract 0014

Tract 0022

Tract 0023, Blocks 402 through 426, 107, 108 and 211

Tract 0013, Blocks 201 through 211

HOUSE DISTRICT 18 SHALL CONSIST OF:

In Madison County:

Tract 0111

Tract 0112

In Huntsville Division:

Tract 0023:

Blocks 301-322 and 401

Tract 0024

Tract 0025.01

Tract 0025.02

Tract 0028.01

Tract 0027.01

Tract 0029.01

Tract 0028.02

Tract 0029.02

Tract 0026, Block Group 3

In New Hope Division:

Tract 0113p, Block Group 1

Huntsville City Part

Tract 0113P

HOUSE DISTRICT 19 SHALL CONSIST OF:

In Madison County:

In Huntsville Division:

Tract 0021

Tract 0012

Tract 0015

Tract 0006.01

Tract 0006.02

Tract 0005.03

Tract 0005.02

Tract 0005.01

Tract 0004.01

Tract 0023:

Block Group 1, less Blocks 107 and 108

Block Group 2, less Block 211

Tract 0007.02:

Blocks 105-122

Tract 0013, except for Blocks 201-211

Tract 0106.00

Blocks 101-104, 149, 150, 201-209 and 901-904

HOUSE DISTRICT 20 SHALL CONSIST OF:

In Madison County:

Tract 0107, except for Madison County Commission Shed No. 1, located at the intersection of Mooresmill Road and Shed Road, and containing zero population.

In Huntsville Division:

Tract 0004.02

Tract 0003.02

Tract 0003.01

Tract 0002.02

Tract 0007.01

Tract 0007.02

Blocks 101-104

Tract 0008

Tract 0002.01

Tract 0009.01, less Block Group 2

Tract 0108p:

Block Group 9

Tract 0011

Tract 0001

Blocks 122, 123, 221, 225, 306-321 and 327

Tract 0016

Tract 0105 (city part)

Tract 108, Blocks 905, 906 and 907 (City Part)

HOUSE DISTRICT 21 SHALL CONSIST OF:

In Madison County:

In Huntsville Division:

Tract 0001, less Blocks 122, 123, 221, 225, 306-321 and 327

Tract 0010

Tract 0017

Tract 0018.01

Tract 0018.02

Tract 0019.01

Tract 0019.02

Tract 0019.03

Tract 0020

Tract 0027.02

Tract 0026:

Block Groups 1 and 2

Tract 0009.02

Tract 0009.01

Block Group 2

Tract 0108

Blocks 102, 106-123, 137-147, 152-164, 172-178 and 909

HOUSE DISTRICT 22 SHALL CONSIST OF:

In Madison County:

Tract 0113, less New Hope Division, Huntsville City (pt.) and less New Hope Division Tract 0113p, Block Group 1

Tract 0114

Tract 0109

Tract 0108, less Blocks 102, 106-123, 137-147, 152-164, 172-178 and 909 and less Block Group 9 in the remainder of the Huntsville Division

Tract 0102

Tract 0101

Tract 0103, and Madison County Commission Shed No. 1, located at the intersection of Mooresmill Road and Shed Road, and containing zero population.

In Jackson County:

The Paint Rock Division

The Princeton Division

The Scottsboro Division - BNA 9902, Except Blocks 203 and 218

Enumeration District 197

Enumeration District 196

HOUSE DISTRICT 23 SHALL CONSIST OF:

In DeKalb County:

The Ider Division

Enumeration District 0401

In Jackson County:

BNA 9901 of the Scottsboro Division

Blocks 203 and 218 only of BNA 9902 in the Scottsboro Division

The Stevenson Division

The Bridgeport Division
The Long Island Division
The Pisgah Division
The Section Division
Enumeration District 198 of the Scottsboro Division
Enumeration District 195 of the Scottsboro Division

HOUSE DISTRICT 24 SHALL CONSIST OF:

In DeKalb County:
The Ft. Payne Division
The Valley Head-Mentone Division
The Ider Division less E. D. 0401
The Heneger Division
The Rainesville-Sylvania Division
The Fyffe Division

HOUSE DISTRICT 25 SHALL CONSIST OF:

In Marshall County:
Town Creek Division
Albertville-Boaz Division, except
Enumeration District 817 and
Enumeration District 821
In DeKalb County:
Collinsville Division
Crossville Division
Geraldine Division

HOUSE DISTRICT 26 SHALL CONSIST OF:

In Marshall County:
Grant Division
Union-Grove Division
Arab Division
Guntersville Division
Douglass Division

HOUSE DISTRICT 27 SHALL CONSIST OF:

In Marshall County:
Albertville-Boaz Division (p):
Enumeration District 817
Enumeration District 821

In Etowah County:

Mountainboro Division, except

Enumeration District 514A

Altoona Division

All of Blount County except:

Haden Division

Enumeration Districts 781, 783 and 784 in Blountsville Division

Enumeration Districts 807, 811 and Block Groups 1 and 3 in Locust Fork Division

HOUSE DISTRICT 28 SHALL CONSIST OF:

In Etowah County:

Tract 0006

Tract 0011

Tract 0013

Tract 0014

Tract 0015

Tract 0016

Tract 0017

Tract 0101

Tract 0102

Tract 0104

Tract 0103(p):

Enumeration District 527

Enumeration District 528

Block Group 1

Block Group 2

HOUSE DISTRICT 29 SHALL CONSIST OF:

In Etowah County:

Tract 0001

Tract 0002

Tract 0003

Tract 0004

Tract 0005

Tract 0007

Tract 0008

Tract 0009

Tract 0010

Tract 0012
Tract 0108
Tract 0109
Tract 0103(p):
Block Group 9
Enumeration District 525
Enumeration District 526
Tract 0107(p):
Block Group 1
Block Group 2
Block Group 6
Tract 0110(p):
Mountainboro Division:
Enumeration District 514A

HOUSE DISTRICT 30 SHALL CONSIST OF:
Cherokee County (All)
In Etowah County:
Tract 0105
Tract 0106
Tract 0107p:
Enumeration District 501
Enumeration District 500

HOUSE DISTRICT 31 SHALL CONSIST OF:
In Jefferson County:
Tract 0111.05
Tract 0108.02
Tract 0108.03
Tract 0108.04
Tract 0108.05
Tract 0128.02
Tract 0128.01
Tract 0127.01

HOUSE DISTRICT 32 SHALL CONSIST OF:
In Jefferson County:
Birmingham Division
Tract 002306

Tract 004702
Tract 0048
Tract 0049, except
Block Groups 1 and 4
Tract 0050
Blocks 201, 202 and 203
Tract 21
Block Groups 1, 2 and 3
Tract 005301
Block Group 5
Tract 005302
Tract 0056 (Birmingham City)
Tract 005903
Blocks 414, 415, 421 and 425
Tract 012601
Tract 0056 (Irondale City)
Tract 012602
Tract 0056 (Mountain Brook City)
Tract 010801 (Mountain Brook City)
Tract 21 (Remainder of Birmingham Division)
Block Group 1
Tract 0049 (Remainder of Birmingham Division)
Tract 005302 (Remainder of Birmingham Division)
Block Group 1
Tract 005903 (Remainder of Birmingham Division)
Blocks 425 and 426
Tract 012602 (Remainder of Birmingham Division)

HOUSE DISTRICT 33 SHALL CONSIST OF:

In Jefferson County;
Tract 0107.01
Tract 0107.02
Tract 0107.03
Tract 0107.04
Tract 0107.05
Tract 0107.06, less Block Group 9, Blocks 921-923, 919
Tract 0144.01

Block Group 1
Tract 0143.02
Block Group 1
Blocks 101-103, 105
Block Group 2
Block 208
Block Group 3
Block Group 9
Blocks 903-905, 910
Tract 0130.02, less Block Group 1, Blocks 105, 109-111 and 151
Tract 0130.01
Tract 0129.01
Block Group 2
Tract 0131
Block Group 1
Tract 0057.01
Block Group 6
Blocks 625-628, 634
Block Group 7
Block Group 8

HOUSE DISTRICT 34 SHALL CONSIST OF:

In Jefferson County:
Tract 0118.01
Tract 0059.06
Tract 0118.02
Tract 0119.01, less Block Groups 1 and 8
Tract 0059.04, less Block Group 1
Tract 0059.05
Tract 0059.03, less Blocks 414, 415, 421, 425 and 426

HOUSE DISTRICT 35 SHALL CONSIST OF:

In Jefferson County:
Tract 0117.05
Tract 0117.03
Tract 0120.02
Block Group 1
Block Group 2

Block Group 3
Block Group 4
Block Group 6
Block Group 8
Block Group 9
Tract 0119.01, Block Groups 1 and 8
Tract 0109
Tract 0116
Tract 0117.06
Tract 0121.03
Block Group 2
Block 222
Block Group 5
Block Group 7
Block Group 9
Tract 0117.04

HOUSE DISTRICT 36 SHALL CONSIST OF:

In Jefferson County:

Birmingham Division
Tract 0001
Tract 0003
Block Groups 2, 3 and 4
Tract 0005
Block Group 3
Blocks 307, 311 and 319
Block Groups 4, 5 and 6
Tract 0006
Tract 0017
Tract 1801
Tract 1802
Tract 1901
Tract 0020
Tract 0021, except
Block Groups 1, 2 and 3
Tract 0022
Tract 2303

Tract 2304
Tract 2305
Tract 0024
Tract 5301, except Block Group 5
Tract 11903
Block Group 2
Block Group 3
Blocks 303-310, 313, 314, 316, 324, 325, 343, 344, 346 and 347
Block Group 5
Tract 0022 (Irondale City)
Tract 0020 (Remainder of Birmingham Division)
Tract 0022 (Remainder of Birmingham Division)

HOUSE DISTRICT 37 SHALL CONSIST OF:

In Jefferson County:
Tract 0106.01
Tract 0106.02
Tract 0106.03
Tract 0135
Tract 0139.01
Tract 0134
Tract 0136.01
Tract 0136.02
Tract 0137
Block Group 4
Blocks 405 and 406
Tract 0133
Tract 0105
Tract 0131, less Block Group 1
Tract 0138.02

HOUSE DISTRICT 38 SHALL CONSIST OF:

In Jefferson County:
Tract 0040
Block Group 1
Blocks 108, 114-116 and 123
Block Group 2
Block Group 3

Block Group 4
Block Group 5
Block Group 6
Block Group 7
Block Group 8
Tract 0052
Tract 0051.02
Block Group 9
Tract 0057.02
Tract 0057.01, less Block Group 6, Blocks 625-628, 634 and less Block Groups 7 and 8
Tract 0038.03
Tract 0039
Tract 0130.02
Block Group 1
Blocks 105, 109-111 and 151
Tract 0031
Block Groups 2, 3, 4 and 5
Tract 0030.01
Block Groups 7 and 8
Tract 0132
Block Groups 3 and 4
Tract 0107.06
Block Group 9
Blocks 919, 921-923

HOUSE DISTRICT 39 SHALL CONSIST OF:

In Jefferson County:
Tract 0030.02
Tract 0029
Tract 0030.01, less Block Groups 7 and 8
Tract 0040
Block Group 1
Blocks 104, 106, 109-113, 117-118 and 120-122
Tract 0041
Tract 0042
Tract 0050
Block Group 2

Blocks 204-207, 209 and 211
Block Group 3
Block Group 4
Block Group 5
Tract 0051.01
Tract 0051.02, less Block Group 9
Tract 0028.02
Tract 0058
Tract 0014
Block Group 3

HOUSE DISTRICT 40 SHALL CONSIST OF:

In Jefferson County:

Tract 0037
Tract 0036
Tract 0038.01
Tract 0132, less Block Groups 3 and 4
Tract 0038.02
Tract 0034
Tract 0035
Tract 0123.01
Block Group 3
Block Group 4
Block Group 5
Blocks 549 and 550
Block Group 9
Blocks 917-923 and 925
Tract 0124.02, less Block Group 2 and Block Group 4
Tract 0125
Tract 0124.03
Block Groups 6 and 9

HOUSE DISTRICT 41 SHALL CONSIST OF:

In Jefferson County:

Tract 0141.03
Block Group 1
Blocks 101, 102 and 114
Tract 0103.02

Tract 0101

Tract 0102

Tract 0138.01

Tract 0141.04

Tract 0137, less Block Group 4, Blocks 405 and 406

Tract 0103.01

Tract 0100.02

Block Group 2

Block 224

Tract 0104.01

Tract 0143.01

Block Group 3

Block Group 6

HOUSE DISTRICT 42 SHALL CONSIST OF:

In Walker County:

Tract 0213

Enumeration District 915

Tract 0214

Enumeration District 909U

Tract 0215

Tract 0216

In Jefferson County:

Tract 0141.02

Enumeration District 120

Tract 0139.02

Tract 0100.02, less Block Group 2, Block 224

Tract 0100.01

Tract 0140

Block Group 1

Tract 0123.01, less Block Groups 3 and 4, Block Group 5, Blocks 549 and 550, and Block Group 9, Blocks 923-925 and 917

Tract 0123.02, less Enumeration District 115

Tract 0122

Enumeration District 112

Enumeration District 113

HOUSE DISTRICT 43 SHALL CONSIST OF:

In Jefferson County:

Tract 0008

Tract 0007

Tract 0002

Tract 0019.02

Tract 0003

Block Group 1

Tract 0005, less Block Groups 4, 5 and 6 and less Blocks 307, 311 and 319

Tract 0055

Tract 0004

Tract 0054

Tract 0119.03

Block Group 1

Block Group 3, less Blocks 303-310, 313, 314, 316, 324-325, 342-344, 346, 347

Block Group 4

Tract 0119.02

Tract 0006

Block Group 1

Block Group 5

Blocks 511, 514

HOUSE DISTRICT 44 SHALL CONSIST OF:

In Jefferson County:

Birmingham Division

Tract 0009

Block Groups 1, 2, 3 and 5

Tract 0014

Block Groups 1, 2, 4, 5, 6 and 7

Tract 0015

Tract 0016

Tract 0025

Tract 2601

Tract 2602

Tract 0027

Tract 2801

Tract 0044

Tract 0045

Tract 0046
Tract 4701
Tract 4703
Tract 0049
Block Groups 1 and 4

HOUSE DISTRICT 45 SHALL CONSIST OF:

In Jefferson County:
Tract 0120.01
Tract 0011
Tract 0012
Tract 0010
Tract 0031:
Block Group 1
Block Group 6
Block Group 7
Tract 0032
Tract 0033
Tract 0120.02:
Block Group 5
Tract 0124.01
Tract 0124.02:
Block Group 2
Block Group 4
Tract 0009:
Block Group 4
Block Group 6
Block Group 7
Block Group 8

HOUSE DISTRICT 46 SHALL CONSIST OF:

Tuscaloosa County
Tract 0113
Blocks 101 and 120
Tract 0116
Tract 0117
Tract 0118
Tract 0119

Tract 0120

Tract 0124

Tract 115, Block Group 1

Tract 125 (Tuscaloosa City pt.)

Block Group 1

Tract 125, Blocks 102, 105p, 107p, 111, 112 and 123 in the Remainder of the Tuscaloosa Division

Tract 123, Blocks 221-225 and 229 in the Remainder of the Tuscaloosa Division

HOUSE DISTRICT 47 SHALL CONSIST OF:

Tuscaloosa County

Tuscaloosa City part of Windham Springs Division

Tract 0104.02

Tract 0105

Tract 0108, Block Group 1, Blocks 203 and 235, Block Group 3 except Blocks 301-311 and 340, and Block Group 9

Tract 0109

Tract 0110

Tract 0111

Tract 0112

Tract 0113, less Blocks 101 and 120

Tract 0114

Tract 0115, less Block Group 1

Tract 0121, Blocks 105-108, 110, 112-120, 211-225 and 238

Brookwood Division

HOUSE DISTRICT 48 SHALL CONSIST OF:

All of Bibb County

Tuscaloosa County

Abernant Division

Coaling-Vance Division

Tract 0108, Block Group 2 except Blocks 203 and 235, Block Group 4, Blocks 301-311, and Block 340

Tract 0121, Blocks 101-104, 226-234, 109, 122-130, 133, 202 and 204-210

Tract 0122

Tract 0123, less Blocks 221-225 and 229 in the Remainder of the Tuscaloosa Division

HOUSE DISTRICT 49 SHALL CONSIST OF:

In Jefferson County:

Tract 0129.04

Block Group 9

Blocks 906-909

In Shelby County:

Tract 0303.01

Tract 0303.02

Tract 0304.01

Tract 0304.02:

Enumeration District 21

Tract 0306.01

Tract 0306.02, except Enumeration District 14

HOUSE DISTRICT 50 SHALL CONSIST OF:

In Jefferson County:

Tract 0141.03:

Less Block Group 1, Blocks 101, 102 and 114

Tract 0141.02, less Enumeration District 120

Tract 0141.05

Tract 0104.02

Tract 0143.01

Block Group 4

Tract 0142.03

Tract 0142.02

Tract 0142.04

Tract 0144.03

Tract 0140, less Block Group 1

Tract 0144.02, less Block Group 4 and less Block Group 8, Blocks 801-805, 807-813, 815, 818, 829, and 833

Tract 0143.02

Block Group 1, less Blocks 101-103 and 105

Block Group 2, less Block 208

Block Group 3, less Blocks 308, 338-344

Block Group 9, less Blocks 903-905 and 910

HOUSE DISTRICT 51 SHALL CONSIST OF:

In Jefferson County:

Tract 0129.03

Tract 0129.02

Tract 0129.01, less Block Group 2

Tract 0129.04, less Block Group 9, Blocks 906-909
Tract 0144.02:
Block Group 4
Block Group 8
Blocks 801-805, 807-813, 815, 818, 829 and 833
Tract 0144.01
Block Group 3
Block Group 2

HOUSE DISTRICT 52 SHALL CONSIST OF:

In Jefferson County:
Tract 0110
Tract 0127.02
In Shelby County:
Tract 0301
Tract 0302
Tract 0305
Tract 0306.02, Enumeration District 14 only
Tract 0307.01
Tract 0307.02
Tract 0308
In Talladega County:
In Sylacauga Division:
Enumeration District 699A

HOUSE DISTRICT 53 SHALL CONSIST OF:

All of Chilton County
In Shelby County:
Enumeration District 15
Enumeration District 16
Enumeration District 17
Enumeration District 18
Enumeration District 20

HOUSE DISTRICT 54 SHALL CONSIST OF:

Coosa County (all)
In Talladega County:
All Sylacauga Division except:
Enumeration District 699A

Sycamore-Winterboro Division

HOUSE DISTRICT 55 SHALL CONSIST OF:

In Talladega County:

Childersburg Division

Renfore-Lanier Division

Talladega Division

In Lincoln-Eastaboga Division:

Enumeration District 656A

HOUSE DISTRICT 56 SHALL CONSIST OF:

In St. Clair County:

All of St. Clair County except:

In the Springville Division, Town of Springville,

Enumeration District 859

Enumeration District 860 and in the Remainder of Springville Division,

Enumeration District 865

HOUSE DISTRICT 57 SHALL CONSIST OF:

In Calhoun County:

All of Census Tracts 18, 21, 22, 23, 24, and that part of Census Tract 25 not included in Blocks 210, 211, 333, 334, 335, 336, 337

Census Tract 20, less Block Groups 2 and 3

HOUSE DISTRICT 58 SHALL CONSIST OF:

In Calhoun County:

Census Place 1325 and 0200 of the Anniston Division;

And

In the remainder of the Anniston Division (Census Place 9999) Tract 1p, 4p, 5p, 6p, 11p, 12p; and All of Census Tracts 13, 15, 16, 17 and only that part of Census Tract 25 included in Blocks 210, 211, 333, 334, 335, 336, 337

Tract 0001 (city part)

Tract 0004, less Block Group 4, Block Group 6 and Block 550

Tract 0014, less Block Group 1

HOUSE DISTRICT 59 SHALL CONSIST OF:

In Calhoun County:

All of Anniston City except that part in Tract 1

In Tract 4 in the Remainder of Anniston Division,

Block Group 4, Block Group 6 and Block 550

In Tract 14 in the Remainder of Anniston Division, Block Group 1

Tract 19 in the Remainder of Anniston Division

In Tract 20 of the Choccoloco Division,

Block Group 2 and Block Group 3

Tract 0010p in the Remainder of the Anniston Division

HOUSE DISTRICT 60 SHALL CONSIST OF:

Clay County

Cleburne County

Munford Division of Talladega County

All of Lincoln-Eastaboga Division of Talladega County, except Enumeration District 656A

Calhoun County

Ohatchee Division

HOUSE DISTRICT 61 SHALL CONSIST OF:

All of Randolph County

In Chambers County:

All of the Five Points Division

All of the Milltown Division

All of the Lanett Division

Only E. D. 108 of the LaFayette Division

HOUSE DISTRICT 62 SHALL CONSIST OF:

All of Tallapoosa County not included in E. D. 185 and

E. D. 187 of the Camp Hill Division

HOUSE DISTRICT 63 SHALL CONSIST OF:

In Chambers County:

In Remainder of LaFayette Division:

Enumeration District 107

The Waverly Division

In Tallapoosa County:

In Camp Hill Division:

Enumeration District 185

Enumeration District 187

In Lee County:

All of the City of Auburn, except

Tract 0405p of the Auburn-Opelika Division

In remainder of Auburn-Opelika Division:

Tract 0404p

Block Group 4

Blocks 404 and 405
Tract 0406p
Tract 0409p
Tract 0411p
Tract 0412p of Enumeration District 529
All of Loachapoka-Roxana Division
except Tract 0410, Block 215

HOUSE DISTRICT 64 SHALL CONSIST OF:
In Chambers County:
All Lafayette City in Lafayette Division
Enumeration District 109 of Lafayette Division
All Langdale Division
In Lee County:
Beulah Division
In Auburn-Opelika Division
Block Groups 1, 2 3(p) and 4 of
Tract 0411(p) in City of Opelika
Tract 0412(p) of City of Opelika
Tract 0413
Tract 0414
Block Group 2
Blocks 205-215
In Tract 417:
Block Group 1
Block Group 2
Block Group 3
Blocks 323 and 326
Blocks 315-317, 324 and 325 in City of Opelika
In Remainder of Auburn-Opelika Division
In Tract 0412:
Blocks 101 through 109 of Block Group 1

HOUSE DISTRICT 65 SHALL CONSIST OF:
All of Russell County except Phenix City Division
In Lee County:
In Auburn-Opelika Division:
Auburn City:

Tract 0405(p)
Opelika City:
Tract 0405(p)
All of Tract 0414 except Blocks 205-215
All of Tract 0415
All of Tract 0416
In Tract 0417(p):
Block Group 3, except Blocks 315, 316, 317, 324p and 325p
In Remainder of Auburn-Opelika Division:
Tract 0404p, less Blocks 404 and 405
Tract 0405p
Tract 0417p
Block Group 3, less Blocks 323 and 326
All of Beauregard-Marvin Division
All of Smiths-Salem Division
In Loachapoka-Roxana Division
Tract 0410
Block 215

HOUSE DISTRICT 66 SHALL CONSIST OF:
In Russell County:
All of Phenix City Division

HOUSE DISTRICT 67 SHALL CONSIST OF:
All of Bullock County
All of Macon County

HOUSE DISTRICT 68 SHALL CONSIST OF:
Pike County
In Barbour County:
Louisville Division
Clayton Division
Eufaula Division, remainder
Enumeration District 325
Enumeration District 326A
Enumeration District 327A

HOUSE DISTRICT 69 SHALL CONSIST OF:
In Barbour County:
Clio Division

In Henry County:

Abbeville Division

In Dale County:

Ozark Division

Echo Division,

Enumeration District 650

Fort Rucker Division, remainder

Enumeration District 667

Enumeration District 668

HOUSE DISTRICT 70 SHALL CONSIST OF:

In Barbour County:

All of Eufaula Division, except

Enumeration District 325,

Enumeration District 326A,

Enumeration District 327A in remainder of Eufaula Division

All of Bakerhill Division

In Henry County:

All of Shorterville Division

All of Haleburg Division

All of Headland-Newville Division

In Houston County:

Tract 0416

Tract 0417

Tract 0419

Enumeration District 764 in remainder of Gordon Division

Tract 0418p in Gordon Division (Town of Gordon)

HOUSE DISTRICT 71 SHALL CONSIST OF:

In Houston County:

Tract 0402, less Block Groups 1-4 and 9 and Blocks 601-603, 609-615, 617-620, 632-633

Tract 0404

Tract 0414p, Block Groups 3 and 4

Tract 0405

Tract 0406

Tract 0407

Tract 0408, except Taylor town, Block Group 1 (outside city) and Blocks 205-208

Tract 0410

Tract 0411

Tract 0412

Tract 0413

Tract 0415

Blocks 404-419, 422, 423, 431-434, 634, 714-730

Block Group 5

Tract 0414, Block Groups 1 and 2

HOUSE DISTRICT 72 SHALL CONSIST OF:

In Dale County

Daleville Division

Newton-Midland City Division

Enumeration District 669

Enumeration District 666 of Fort Rucker Division

Enumeration District 651 and

Enumeration District 652 of the Echo Division

Enumeration District 670 of the Fort Rucker Division

Newton Town of the Fort Rucker Division

In Houston County:

Tract 0401

Tract 0403

Tract 0402:

Block Group 1

Block Group 2

Block Group 3

Block Group 4

Block Group 9

Block Group 6

Blocks 601-603, 609-615, 617-620, 632 and 633

Tract 0408:

Block Group 1 (outside city)

Blocks 205-208

Tract 0415, less Blocks 404-419, 422, 423, 431-434, 634 and 714-730 and Block Group 5

HOUSE DISTRICT 73 SHALL CONSIST OF:

In Coffee County:

Enumeration District 264

Enumeration District 267

Geneva County

In Houston County:

Madrid Division

Cottonwood Division

In Remainder of Gordon Division:

Enumeration District 765

Dothan Division

Tract 0409

Tract 0408 Taylor town only

HOUSE DISTRICT 74 SHALL CONSIST OF:

All of Coffee County except:

Enumeration District 264

Enumeration District 267

HOUSE DISTRICT 75 SHALL CONSIST OF:

All of Covington County

HOUSE DISTRICT 76 SHALL CONSIST OF:

In Elmore County:

The Tallassee Division

The Eclectic Division

The Wetumpka Division

The Titus Division

The Elmore Division, except

Block Group 1 of Tract 0104p in the Prattville City part, the remainder of Elmore Division Tract 0104p Block Group 1 and Enumeration District 976

HOUSE DISTRICT 77 SHALL CONSIST OF:

In Montgomery County:

Montgomery Division

Tract 0001

Tract 0002

Tract 0003

Tract 0004

Blocks 114, 201, 202, 407, 408, 410-414 and 501-512

Block Group 6, 7, 8

Tract 0006

Tract 0007

Block 204

Tract 0015

Block Group 5

Block Group 7

Block Group 2

Blocks 106, 107, 111-122, 124, 301-315, 317-321, 401-406, 409, 410, 416-417, 419, 450 and 451

Tract 0051.01, Blocks 913, 928, 929, 932, 935, 936, 940, 941, 951, 955, 958, 960, 961, 963, 964, 965, 966, 968, 969, 971, 973, 989, 801, 802, 904, 910, 911, 912, 927, 942, 959

Tract 0051.02

Tract 0051.03

Tract 0011, Block Groups 1, 5, 7 and 8

Blocks 201, 203, 204, 205, 209, 210, 211, 212, 215, 222, 225, 604, 605, 615, 625, 626, 628, 629, 632, 634

Tract 0053.01

Tract 0025

HOUSE DISTRICT 78 SHALL CONSIST OF:

In Montgomery County:

Ramer Division

Pike Road Division

Pine Level Division

Mt. Meigs Division

Hope Hull Division:

Tract 0059.01

Blocks 101-103, 110, 111p and 909p

Enumeration District 1031A

Enumeration District 1033T

Montgomery Division

Tract 0029

Tract 0032

Tract 0051.01, Blocks 945, 943, 962p, 949

Tract 0054.01

Tract 0056.02

Tract 0054.03

Tract 0054.04

Tract 0054.05

Tract 0056.03, except Blocks 902, 903, 945, 946, 947, 948, 949, 950, 951

In Remainder of Montgomery Division

Tract 0056.03p

HOUSE DISTRICT 79 SHALL CONSIST OF:

In Montgomery County:

Montgomery Division

Tract 0004

Block Group 3

Blocks 106, 103, 105, 113, 117, 109, 118, 102, 101, 209, 210, 208, 211, 207, 205, 206, 115, 112, 111, 212, 213, 204

Tract 0016

Tract 0017

Tract 0027

Tract 0026

Tract 0005

Tract 0019

Tract 0018

Tract 0053.02

Tract 0054.02

HOUSE DISTRICT 80 SHALL CONSIST OF:

In Montgomery County:

Tract 0011

Block 601

Block Group 3, less Blocks 302-303 and 330

Block Group 4, less Blocks 412-419

Tract 0010

Tract 0013

Block Group 2

Blocks 111-114, 301, 308-309

Tract 0022

Blocks 301-311, 403, 405-411, 422, 601-608, 701-710 and 903

Block Group 5

Block Group 8

Block Group 1

Block Group 2

Tract 0023

Block Group 1, less Blocks 101, 106-107

Block Group 2, 3, 5

Blocks 401-407, 409-416, 418
Tract 0024
Tract 0060.01
Block Group 1, 2
Blocks 901-924, 930, 931, 988, 989
Tract 0009
Tract 0030

HOUSE DISTRICT 81 SHALL CONSIST OF:

In Montgomery County:

Montgomery Division

Tract 0007
Block Group 1, 5, 6, 7
Block Group 2
Blocks 201-203, 205-207
Block Group 3
Blocks 301-308
Block Group 4
Blocks 401-408
Tract 0012
Block Groups 1-4, 6-8
Block Group 5
Blocks 501-502, 504, 505, 507-509, 515, 516
Tract 0013
Block Group 1, less Blocks 111-114
Blocks 402, 403, 405, 415, 401, 406, 407, 408, 409, 410, 411, 302-307, 310-315
Tract 0011
Blocks 216-220, 224, 302-303, 330, 412-419
Tract 0023
Blocks 101, 106-107
Tract 0020
Tract 0021
Tract 0028
Tract 0033
Tract 0031
Tract 0014
Tract 0056.03

Blocks 902, 903, 945, 946, 947, 948, 949, 950 and 951

HOUSE DISTRICT 82 SHALL CONSIST OF:

In Autauga County:

Billingsley Division

Prattville Division

Marbury Division

In Elmore County:

Deatsville Division

Elmore Division

Block Group 1 of Tract 0104p in the Prattville City part Enumeration District 976

The Remainder of Elmore Division

Tract 0104p Block Group 1

HOUSE DISTRICT 83 SHALL CONSIST OF:

Wilcox County, less the Alberta Division and less Enumeration District 32

Lowndes County

Montgomery County

Montgomery Division

Tract 0060.02

Hope Hull Division

Tract 0059.02

Tract 0059.01, less Blocks 101-103, 110, 111p, 909p and Enumeration Districts 1031A and 1033T

In Dallas County:

Enumeration Districts 59 and 60

HOUSE DISTRICT 84 SHALL CONSIST OF:

Butler County

Crenshaw County

HOUSE DISTRICT 85 SHALL CONSIST OF:

In Dallas County:

City of Selma

Enumeration District 52-U

Enumeration District 52-V

Enumeration District 51

Enumeration District 50

Enumeration District 52-T
In Autauga County:
Autaugaville Division
HOUSE DISTRICT 86 SHALL CONSIST OF:
All of Perry County
In Dallas County:
Enumeration District 55
Enumeration District 69
Enumeration District 53
Enumeration District M-62
Enumeration District 61
Enumeration District 67
Enumeration District 66
Enumeration District 68
Enumeration District 54
Enumeration District 58
Enumeration District 57
Enumeration District 65
Enumeration District 63
Enumeration District 56-A
Enumeration District 56-B
Town of Orrville
In Wilcox County
Alberta Division
Enumeration District 32
HOUSE DISTRICT 87 SHALL CONSIST OF:
All of Greene County
All of Hale County
In Sumter County:
Belmont Division
Enumeration District 234
Livingston Division
Epes Town
Enumeration District 229
Livingston City
Enumeration District 230

Enumeration District 231
Enumeration District 232B
Remainder of Livingston Division
Enumeration District 233
In Marengo County
Faunsdale Division
Thomaston Division
Enumeration District 367
Linden Division
Remainder of Linden Division
Enumeration District 364
Providence Town
Enumeration District 360

HOUSE DISTRICT 88 SHALL CONSIST OF:
All of Choctaw County
In Marengo County
Sweetwater Division
Dixon Mills Division
Demopolis Division
Thomaston Division
Thomaston Town
Enumeration District 366
Remainder Thomaston Division
Enumeration District 368
Linden Division
Linden City
Enumeration District 361
Enumeration District 362
Myrtlewood Town
Enumeration District 363
Remainder of Linden Division
Enumeration District 365

HOUSE DISTRICT 89 SHALL CONSIST OF:
Tuscaloosa County
Coker Division
Elrod-Moore's Bridge Division

Enumeration District 654

Samantha Division

Windham Springs Division less Tuscaloosa City part

Tract 0104.01

Tuscaloosa Division part of

Tract 0102

Pickens County

Gordo Division

Reform Division less Enumeration District 557

HOUSE DISTRICT 90 SHALL CONSIST OF:

In Tuscaloosa County

Fosters Division

Big Sandy-Duncanville Division

Tract 0125, less Block Group 1 in Tuscaloosa City part, and less Blocks 102, 105p, 107, 111, 112 and 123 in the Remainder of the Tuscaloosa Division

Elrod-Moore's Bridge - Echola Division

Enumeration District 655

In Pickens County

Aliceville Division

Carrollton Division

Ethelsville Division

Raleigh Division

Reform Division

Enumeration District 557

In Sumter County

Cuba Division

Cuba Town

Enumeration District 240

Remainder Cuba Division

Enumeration District 241

Gainesville Division

Gainesville Town

Enumeration District 227

Remainder Gainesville Division

Enumeration District 228

Livingston Division

Remainder Livingston Division
Enumeration District 232A
Panola-Geiger Division
Geiger Town
Enumeration District 225
Remainder Panola-Geiger Division
Enumeration District 226
York Division
Cuba Town
Enumeration District 237
York City
Enumeration District 235T
Enumeration District 235U
Enumeration District 236
Remainder York Division
Enumeration District 238
Enumeration District 239

HOUSE DISTRICT 91 SHALL CONSIST OF:

Escambia County

HOUSE DISTRICT 92 SHALL CONSIST OF:

Clarke County

In Baldwin County:

Stockton Division

In Washington County:

Millry Division, except Enumeration District 126T

In Remainder of Chatom Division, Enumeration District 129

In Wagarville Division, Enumeration District 130

HOUSE DISTRICT 93 SHALL CONSIST OF:

Conecuh County

Monroe County

HOUSE DISTRICT 94 SHALL CONSIST OF:

In Baldwin County:

Foley Division

Fairhope Division

All of the Daphne Division except Blocks 101 thru 154; 156 thru 159; 197, 198, 199; 209 thru 223, in the remainder of Daphne Division.

HOUSE DISTRICT 95 SHALL CONSIST OF:

In Baldwin County:

Bay Minette Division

Elberta Division

Summerdale Division

All of Robertsdale Division

Remainder of Daphne Division

Blocks 101 thru 154, 156 thru 159, 197, 198, 199, 209 thru 223, in the remainder of Daphne Division.

HOUSE DISTRICT 96 SHALL CONSIST OF:

In Washington County:

Enumeration District 127

Enumeration District 128

Enumeration District 126T

Enumeration District 131

Enumeration District 132

Enumeration District 133

Enumeration District 134

Enumeration District 135

Enumeration District 136

In Mobile County:

In Citronelle Division:

In Tract 0059:

Enumeration District 532

Enumeration District 533A

Enumeration District 533B

Tract 0060

Remainder Mobile Division,

In Tract 0061p:

Blocks 810, 811, 812, 813, 814

Enumeration District 571

Remainder Mobile Division of Tract 0034.03: (Partial)

Block Group 4

Block 504

Block 510p

Blocks 901, 905, 906

In Semmes Division:

In Tract 0062:

Enumeration District 535
Enumeration District 536
Enumeration District 534
Tract 0063
In Tanner-Williams Division of Tract 0064:
Block Group 1
Block Group 2
Blocks 301-307
Block 319, 320, 322, 323
Block Group 4
Block 901, 906
Blocks 801-819
Block 821, 822, 823, 843, 846, 849

HOUSE DISTRICT 97 SHALL CONSIST OF:

In Mobile County:
Mobile City:
Tract 0038.02p
Tract 0052p
Mobile Division:
Tract 0038.02p
Tract 0038.99
Tract 0052p
Tract 0053p
Tract 0054p
Tract 0056p
Tract 0057p
Creola Town:
Tract 0038.02p
Tract 0057p
Chickasaw City:
Tract 0038.02p
Tract 0050p
Tract 0051
Tract 0052
Tract 0053p
Tract 0054p

Saraland City:

Tract 0038.02p

Tract 0054p

Tract 0055

Tract 0056p

Tract 0057p, (Block 924p, 923p, 988p, 922)

Satsuma City:

Tract 0056p

Tract 0057p

Mt. Vernon Division:

Tract 0058:

Enumeration Districts 525-529

Saraland City:

Tract 0061p

Remainder of Mobile Division:

Tract 0061p:

Blocks 227, 801-809, 815-834, 901, 904-906, 912, 913p, 918, 919, 924, 944, 958, 964, 970, 972, 976, 978p, 979p, 980, 981, 982

HOUSE DISTRICT 98 SHALL CONSIST OF:

In Mobile County:

Mobile Division:

Mobile City:

Tract 0026 (Partial), Blocks 101, 102, 115, 602, 604 and 605

Prichard City:

Tract 0034.01p (Block 122)

Tract 0034.02p

Mobile City:

Tract 0039.01p

Prichard City:

Tract 0039.01p

Mobile City:

Tract 0039.02p

Prichard City:

Tract 0039.02p

Prichard City:

Tract 0050p

Tract 0040

Tract 0041
Tract 0042 (Partial)
Block Group 1
Blocks 201-203
Blocks 210-219
Block Group 3
Mobile City:
Tract 0045p
Blocks 101p, 124p, 125p
Prichard City:
Tract 0045p
Tract 0046 (Partial)
Block Group 1
Block Group 2
Tract 0047
Tract 0048
In Mobile City:
Tract 0049p
In Prichard City:
Tract 0049p
Tract 0061p

HOUSE DISTRICT 99 SHALL CONSIST OF:

In Mobile County:
Tract 0005 (Partial) (All except Block Group 3)
Tract 0006
Tract 0007.01
Tract 0007.02
Tract 0008
In Remainder of Mobile Division:
Tract 0043p
Tract 0012.01p
In Mobile Division:
Mobile City:
Tract 0012.01p
Prichard City:
Tract 0012.01p

Mobile City:
Tract 0026 (All except Blocks 101, 102, 115, 602, 604 and 605)
Tract 0038.01
Prichard City:
Tract 0042 (Partial)
Blocks 204-209
Mobile City:
Tract 0043p
Tract 0044p
Tract 0045p (Blocks 113p, 128p, 129p)
Block Group 2p (Block 204p)
Prichard City:
Tract 0043p
Tract 0044p
Tract 0046 (Partial) (Block Group 3 only)

HOUSE DISTRICT 100 SHALL CONSIST OF:
In Mobile County:
In Mobile Division:
In Mobile City:
Tract 0034.03
Tract 0034.04
Tract 0034.05 (Partial) (All except Block 133)
Tract 0036.01
Tract 0036.02
Tract 0036.03
Tract 0037.01
In Tanner-Williams Division (Partial):
Tract 0064
Blocks 308-318
Blocks 831-842, 844, 845
Block Group 9
Enumeration District 543
Enumeration District 542T
Enumeration District 542U
Blocks 847, 848, 850-856
In Remainder Mobile Division:

Tract 0034.03
Blocks 501, 502, 503
Blocks 907, 908, 911, 914, 930

HOUSE DISTRICT 101 SHALL CONSIST OF:

In Mobile County:
In Mobile Division:
In Mobile City:
Tract 0031 (Partial)
Block Group 2
Blocks 201, 202, 206-210, 220-222, 225-229 and 231
Block Group 3
Tract 0032.01
Tract 0032.02
Tract 0032.03 (Partial)
Tract 0033.01
Tract 0033.02
Tract 0034.01
Tract 0034.02 (Mobile City only)
Tract 0034.05 (Block 133 only)
Tract 0034.06
Tract 0035.01
Tract 0035.02
Tract 0061p:
Block 212p
Block 977p
Block 978p
In Remainder of Mobile Division:
Tract 0061p:
Block 212p
Block 213
Block 977p
Tract 0034.01p
Block 122p
Tract 0034.02p
Block 127p

HOUSE DISTRICT 102 SHALL CONSIST OF:

In Mobile County:

Tract 0009.01, less Block Groups 1 and 2

Tract 0009.02

Tract 0009.03

Tract 0014 (Blocks 501-512, 514 and 515 and Block Groups 4 and 6)

Tract 0015.01

Tract 0023.01, less Blocks 304-306, 310 and 311

Tract 0023.02

Tract 0024

Tract 0025.01

Tract 0025.02

Tract 0027

Tract 0028

Tract 0029

Tract 0031 (Partial) (Block 101 only)

HOUSE DISTRICT 103 SHALL CONSIST OF:

In Mobile County:

Tract 0001

Tract 0002

Tract 0003

Tract 0004.01

Tract 0004.02

Tract 0005 (Block Group 3 only)

Tract 0009.01

Block Groups 1 and 2

Tract 0010.01

Tract 0010.02

Tract 0011

Tract 0012.02

Tract 0012.99

Tract 0013.01

Tract 0013.02

Tract 0014, less Blocks 501-512 and 514-515 and

Block Groups 4 and 6

Tract 0015.02

Tract 0016

Tract 0017
Tract 0018 (Partial)
Blocks 101, 102, 104-111, 112-114, 117-119 and 121-124
Tract 0019.01 (Blocks 101, 102 and 110)
Tract 0019.02 (Partial)
Blocks 101-116
Block 120
Block 121
Blocks 302-313

HOUSE DISTRICT 104 SHALL CONSIST OF:

In Mobile County:
In Mobile Division:
In Mobile City:
Tract 0018 (Partial)
Block Group 2
Tract 0019.01 (Partial)
(All except Blocks 101, 102 and 110)
Tract 0019.02 (Partial)
Block 117
Block Group 2
Blocks 314 and 315
Tract 0020
Tract 0021
Blocks 101-109 and 112-118
Block Group 2
Block Group 3
Block Group 4
Tract 0022
Tract 0023.01
Blocks 304-306, 310 and 311
Tract 0030
Tract 0031 (Partial)
Block Group 2, less Blocks 201, 202, 206-210, 220-222, 225-229 and 231
Tract 0037.02
Tract 0068p (Partial)
Block Group 230p

In Mobile Division (Partial):
Tract 0068:
Block Group 1
Block Group 2
Block Group 3
In Mobile County:
In Theodore Division:
Tract 0069 (Partial):
Blocks 125, 126, 151, 152
Tract 0070 (Partial)
Block Group 1, except Blocks 137-140
Block Group 9
Tract 0071 (Partial):
Enumeration District 557
Enumeration District 558
Enumeration District 559

HOUSE DISTRICT 105 SHALL CONSIST OF:
In Mobile County:
In Grand Bay Division:
Tract 0065
Tract 0066
Tract 0067
In Theodore Division (Partial):
Tract 0069 (Partial)
Block Group 1, Minus Blocks 125, 126, 151, 152
Block Group 3
Block Group 2
Tract 0070 (Partial):
Blocks 137-140
Tract 0071 (Partial):
Block Group 1
In Bayou la Batre Division:
Tract 0072.01
Tract 0072.02
Tract 0072.99
Tract 0073

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each Senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

District 1 House District Nos. 1, 2 and 3;

District 2 House District Nos. 4, 5 and 6;

District 3 House District Nos. 7, 8 and 9;

District 4 House District Nos. 10, 11 and 12;

District 5 House District Nos. 13, 14 and 15;

District 6 House District Nos. 16, 17 and 18;

District 7 House District Nos. 19, 20 and 21;

District 8 House District Nos. 22, 23 and 24;

District 9 House District Nos. 25, 26 and 27;

District 10 House District Nos. 28, 29 and 30;

District 11 House District Nos. 31, 32 and 33;

District 12 House District Nos. 34, 35 and 36;

District 13 House District Nos. 37, 38 and 39;

District 14 House District Nos. 40, 41 and 42;

District 15 House District Nos. 43, 44 and 45;

District 16 House District Nos. 46, 47 and 48;

District 17 House District Nos. 49, 50 and 51;

District 18 House District Nos. 52, 53 and 54;

District 19 House District Nos. 55, 56 and 60;

District 20 House District Nos. 57, 58 and 59;

District 21 House District Nos. 61, 62 and 63;

District 22 House District Nos. 64, 65 and 66;

District 23 House District Nos. 67, 68 and 69;

District 24 House District Nos. 70, 71 and 72;

District 25 House District Nos. 73, 74 and 75;

District 26 House District Nos. 76, 77 and 78;

District 27 House District Nos. 79, 80 and 81;

District 28 House District Nos. 82, 83 and 84;

District 29 House District Nos. 85, 86 and 87;

District 30 House District Nos. 88, 89 and 90;

District 31 House District Nos. 91, 92 and 93;

District 32 House District Nos. 94, 95 and 97;

District 33 House District Nos. 102, 98 and 99;

District 34 House District Nos. 100, 101 and 96;

District 35 House District Nos. 103, 104 and 105.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 81-1049, 1981 Second Special Session and Act No. 82-629, 1982 First Special Session, are hereby expressly repealed and shall have no other effect of law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1986, and at such other election or elections as may be ordered by the United States District Court for the Middle District of Alabama in connection with *Burton, et. al.* v *Hobbie, et. al.*, No. 81-617-N, and until each House of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the substitute offered by Rep. Sasser to the bill, H. 1 as amended, was lost.

Yeas 46; Nays 54.

Yeas:

Reps.: Adams, Albright, Bennett, Blake, Brakefield, Bryant, Buskey, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Escott, Ford, Grouby, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Richardson, Rogers, Thomas, Thornton, Trammell, Turner, Warren and White (F).

—46

Nays:

Mr. Speaker, Ashley, Biddle, Blakeney, Bowling, Box, Brooks, Browder, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Johnson (R. G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Moore, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—54

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Sasser to the bill, H. 1 as amended, and the substitute was adopted.

Yeas 60; Nays 40.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Hettinger, Johnson (A. L.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Moore, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—60

Nays:

Reps.: Adams, Albright, Bennett, Brakefield, Bryant, Buskey, Clark, Clikas, Davis, Drinkard, Escott, Ford, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Rogers, Thomas, Thornton, Trammell, Turner, Warren and White (F)

—40

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 1 as amended:

Amend House Bill 1, on Page 60, House District 73, by deleting lines 7-9 in their entirety.

On Page 60, House District 74, by deleting on line 22, the word "except" and by deleting lines 23 and 24 in their entirety.

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Holley to the bill, H. 1 as amended, was tabled.

Yeas 59; Nays 29.

Yeas:

Reps.: Adams, Ashley, Blakeney, Bowling, Brakefield, Brooks, Butler, Carter, Casey, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Johnson (A. L.), Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Murphy, Newman, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thornton, Venable, Waggoner, White (F), White (L), Wilson, Wright and Zoghby.

—59

Nays:

Reps.: Albright, Bennett, Biddle, Box, Bryant, Carothers, Clark, Davis, Escott, Hall, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Mathis, Melton, Nevett, Nicholson, Owens,

Poole, Rogers, Smith, Thomas, Trammell and Turner.

—29

AMENDMENT OFFERED

Rep. Poole offered the following amendment to the bill, H. 1 as amended:

In Section 1, in House District 87, delete all of the description and insert in lieu thereof:

HOUSE DISTRICT 87 SHALL CONSIST OF:

All of Greene County

All of Hale County Except the Moundville Division

In Sumter County:

Belmont Division

Enumeration District 234

Livingston Division

Epes Town

Enumeration District 229

Livingston City

Enumeration District 230

Enumeration District 231

Enumeration District 232B

Remainder of Livingston Division

Enumeration District 233

In Marengo County

Faunsdale Division

Thomaston Division

Enumeration District 367

Linden Division

Remainder of Linden Division

Enumeration District 364

Providence Town

Enumeration District 360

In Section 1, House District 90, delete all of the description and insert in lieu thereof the following language:

HOUSE DISTRICT 90 SHALL CONSIST OF:

In Tuscaloosa County

Fosters Division

Big Sandy-Duncanville Division

Tract 0125, less Block Group 1 in Tuscaloosa City part, and less Blocks 102, 105p, 107, 111, 112 and 123 in the Remainder of the Tuscaloosa Division

Elrod-Moore's Bridge - Echola Division

Enumeration District 655

In Pickens County

Aliceville Division

Carrollton Division

Ethelsville Division

Raleigh Division

Reform Division

Enumeration District 557

In Sumter County

Cuba Division

Cuba Town

Enumeration District 240

Remainder Cuba Division

Enumeration District 241

Gainesville Division

Gainesville Town

Enumeration District 227

Remainder Gainesville Division

Enumeration District 228

Livingston Division

Remainder Livingston Division

Enumeration District 232A

Panola-Geiger Division

Geiger Town

Enumeration District 225

Remainder Panola-Geiger Division

Enumeration District 226

York Division

Cuba Town

Enumeration District 237

York City

Enumeration District 235T

Enumeration District 235U

Enumeration District 236

Remainder York Division

Enumeration District 238

Enumeration District 239

In Hale County

Moundville Division

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Bowling, Box, Brakefield, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Dutton, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Trammell, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

Nays: Reps.: Holmes and Thomas. —2

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 1 as amended:

Amend Substitute to House Bill 1, Page 59, line 17 by adding the words except ED 0760.

Further amend Substitute to House Bill 1, page 60, line 19 to read

Enumeration District 0760 Tract 401

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Mathis to the bill, H. 1 as amended, was tabled.

Yeas 56; Nays 27.

Yeas:

Reps.: Adams, Ashley, Biddle, Blakeney, Bowling, Brakefield, Brooks, Butler, Campbell, Carter, Casey, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Harper, Harvey, Johnson (A. L.), Laird, Lauderdale, Layton, Lewis, McKee, Manley, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Stout, Turner, Venable, Waggoner, White (L), Wilson and Wright.

—56

Nays:

Reps.: Blake, Box, Bryant, Carothers, Clark, Davis, Escott, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, McMillan, Mathis, Melton, Nevett, Nicholson, Penry, Poole, Rogers, Thomas, Thornton, Trammell and White (F).

—27

And the bill:

H. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session and Act No. 82-629, 1982 First Special Session.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 27.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A. L.), Johnson (R. G.), Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Minus, Mitchell, Moore, Murphy, Newman, Owens, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

Nays:

Reps.: Albright, Brakefield, Bryant, Buskey, Clark, Davis, Escott, Hall, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, McMillan, Mathis, Melton, Nevett, Nicholson, Parker, Rogers, Thomas, Thornton, Trammell, Turner and Warren.

—27

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Parsons (With Notice and Proof):

S. 7. Relating to the Tenth Judicial Circuit of Alabama, including the Bessemer Division thereof; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Parsons (With Notice and Proof):

S. 9. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Parsons (With Notice and Proof):

S. 10. Relating to Jefferson County; providing further for an additional expense allowance of the Assistant Tax Assessor and Assistant Tax Collector, payable from the general fund of the county; providing for an expiration date.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 18. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 19. To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a. m. at licensed places and establishments in Class I cities; to authorize Class I cities to restrict

and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 20. Relating to Jefferson County; pursuant to the exceptions provided for in Section 28-3A-25(a)(20) and (21), Code of Alabama 1975, pocket part (Section 25.A(20) and (21) of Act No. 80-529, Acts of Alabama 1980, pp. 806, et seq.), the Sunday sales and consumption of alcoholic beverages are authorized after 12:01 o'clock P.M. at certain public places; and to repeal all laws or parts of laws which conflict with this act as relate to Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 20, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 7. Local Legislation No. 2.

S. 9. Local Legislation No. 2.

S. 10. Local Legislation No. 2.

S. 18. Local Legislation No. 2.

S. 19. Local Legislation No. 2.

S. 20. Local Legislation No. 2.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Kennedy, Clark, Buskey, Turner and Zoghby:

H. J. R. 27. COMMEMORATING THE FOUNDING, IN 1853, OF THE SAINT LOUIS STREET BAPTIST CHURCH, MOBILE, ALABAMA.

WHEREAS, a matter of historical note and of profound Christian significance was the organization and activation in 1853 of the Saint Louis Street Baptist Church in Mobile, Alabama; and

WHEREAS, chronologized as the second oldest Black Missionary Baptist Church in Alabama's City of Six Flags, one of the oldest of our nation's cities, the Saint Louis Street Baptist Church stands today as a monument to the faith and perseverance of its original founders thirteen decades ago in the annals of time; and

WHEREAS, history records that the Saint Louis Street Baptist Church has served as a tabernacle of witness under the dynamic leadership and pastoral guidance of 14 Ministers of the Gospel, the fourth of whom the Reverend C. A. Levins, was the church's first Black pastor; and

WHEREAS, successively and through the years, nine illustrious pastors were to follow the Reverend Levins in leadership until 1964 at which time the present minister, the Reverend Louis Sanders, assumed the pastorate of the Saint Louis Street Baptist Church; and

WHEREAS, during this February 1983 observance of their church's founding, the membership of the Saint Louis Street Baptist Church will give thanks and credit to God for the opportunity he has given to witness, worship and serve, as did all generations before them, in fellowship, kindred spirit and community concern; and

WHEREAS, the Saint Louis Street Baptist Church, for 130 years, has indeed flourished—in the strengthening of faith of its shepherds and in its physical magnificence which is dedicated to the Glory of God; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the membership, pastor and friends of the Saint Louis Street Baptist Church in Mobile, Alabama, in celebration of its 130th anniversary of service, and in recognition of its historical significance as a House of Christian worship entered in the National Register of Historical Places as a landmark contributing to a deeper understanding of our American heritage.

BE IT FURTHER RESOLVED, That we unite in commemorating the founding of the Saint Louis Street Baptist Church and in celebrating its 130th anniversary; we further direct that a copy of this resolution be provided for presentation to the Reverend Louis Sanders, renowned pastor since 1964, for appropriate display and in public acknowledgment of our esteem.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 28. COMMENDING MR. HARRY STILL, BAY MINETTE CITIZEN OF THE YEAR.

WHEREAS, the Alabama Legislature notes with extreme pleasure the selection, January 27, 1983, of Mr. Harry Still as Bay Minette Citizen of the Year, an award of merit of WBCA and WWSM Radio Stations and the Bay Minette Chamber of Commerce; and

WHEREAS, Mr. Still, who indeed deserves the accolades of his community, has worked in city government for 35 years; he is City Administrator for Bay Minette, has served as Director of Public Works and Utilities since 1968, and it was largely through his instrumental effort that the city has been provided with a sewer treatment facility that has been long needed

by the community; and

WHEREAS, dedicatedly, Mr. Still further has served four terms as city councilman, was Mayor pro-tem for eight years and is a former Baldwin County Commissioner by appointment of Governor George Wallace; he also is Executive Director of the Bay Minette Public Housing Authority and is a certified sewer plant and water works operator; and

WHEREAS, Mr. Still, in civic involvement, is a director on a number of boards and associations such as First Alabama Bank, Bay Minette Chamber of Commerce, Alabama Health Planning Council, South Alabama Regional Planning Commission, American National Gas Association and the North Baldwin Hospital Board; and

WHEREAS, Mr. Harry Still has been a resident of Bay Minette, the community he has served with such devotion, since 1937; he is a graduate of Baldwin County High School, an alumnus of a Mobile business college, a veteran of World War II, a former businessman, and a member of the First United Methodist Church where he has served as an administrative board member for in excess of 30 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with community citizens, with WBCA and WWSM Radio Stations and the Bay Minette Chamber of Commerce in endorsement of Mr. Harry Still's selection as Bay Minette Citizen of the Year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Still that he may be aware of this body's deep admiration and esteem.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 28, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 1. ENDORSING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

Also:

By Senators Robertson and deGraffenried:

S. J. R. 2. COMMENDING THE B. F. GOODRICH TUSCALOOSA PLANT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 1 and S. J. R. 2, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Kirkland, Bishop, Foshee, and Teague:

S. J. R. 3. CREATING THE JOINT INTERIM OIL AND GAS STUDY COMMITTEE.

WHEREAS, gas and oil is one of Alabama's fastest growing industries and there are recent discoveries attracting national interests which require the legislature to be properly and timely informed about this field and its effect on all our citizens; and

WHEREAS, there is a great need for a legislative committee to have special knowledge and information on the subject of oil and gas production, exploration and all other facets of the oil and gas industry; and

WHEREAS, there is a dire need in the State of Alabama for all facets of the oil and gas industry and the laws pertaining thereto of the State of Alabama to be studied with attention on the results affecting the people of Alabama and the fiscal opportunities and liabilities for the state, and the legislature needs to have recommendations for guidance on these complex issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Oil and Gas Joint Interim Study Committee to study the oil and gas industry, the laws pertaining thereto, production and exploration of oil and gas in this state, its regulation, the fiscal opportunities and liabilities for the state, these industries' effect upon our citizens, and all pertinent facets thereof.

BE IT FURTHER RESOLVED, That the said joint committee shall be composed of a total of eight (8) members of which four (4) members shall be appointed each by the Lieutenant Governor and the Speaker of the House; the chairman and vice chairman shall be selected by the members from among its membership and the meetings shall be at the call of the chairman or at the written request of any four members. The members shall serve until the expiration of the term of their current office. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the term.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the committee's work may require. Each member shall be entitled to his regular legislative compensation, his per diem and travel expenses within or without the state for each day he is on business of the committee or attends its meetings when the legislature is not in session or is in recess without pay. Such sums shall be paid out of sums appropriated to the use of the legislature on approval by the chairman and in accordance with law; provided, however, the total of such sums shall not exceed $10,000.00 in total throughout the entirety of the life of this interim committee as established by this resolution.

BE IT FURTHER RESOLVED, That the committee shall be empowered to call witnesses to testify under oath and the members of the state Gas and Oil Board, other state agencies, and the employees thereof shall furnish, upon request of the committee, any and all information, data and

documents which the committee may need or request to implement its duties, the chairman of said committee shall have the power to issue witness subpoenas and subpoenas duces tecum.

BE IT FURTHER RESOLVED, That the committee shall make its report, findings and recommendations to the legislature no later than the tenth legislative day of each Regular Session. It shall stand discharged upon making its final report in the regular session of the members' last year of their term of office.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

PERMISSION GRANTED

At the request of Rep. Browder, permission was granted for the Journal to show he would have voted "Yea" on the bill, H. 1, had he been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried and Robertson:

S. J. R. 15. MOURNING THE DEATH OF MR. BUFORD BOONE, DISTINGUISHED JOURNALIST AND TUSCALOOSA CIVIC LEADER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 15, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced.

By Rep. Rogers:

H. J. R. 29. HONORING MS. TOREATHER MENCER.

WHEREAS, it is with sincere praise that the Alabama Legislature expresses utmost commendation of Ms. Toreather Mencer of Birmingham, Alabama, for her untiring service on behalf of the Greater Shiloh Missionary Baptist Church and its youth; and

WHEREAS, Ms. Mencer joined the Greater Shiloh Missionary Baptist Church in 1924 and has continuously served for the past 59 years in numerous areas of involvement; and

WHEREAS, in 1951, Ms. Mencer organized the Junior Usher League which has since been renamed in her honor and in appreciation for her ser-

vice on the Board for the past 32 years; and

WHEREAS, Ms. Mencer also is a member of the Progressive Christian Benefit Society, Temple #3, and further serves as a member of the Enrollment Committee for the General Assembly of the Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Ms. Toreather Mencer of Birmingham, Alabama, for her longtime, continuous service in dedicated membership, to the Greater Shiloh Missionary Baptist Church, the Junior Usher League and the Progressive Christian Benefit Society, Temple #3, as well.

BE IT FURTHER RESOLVED, That Ms. Mencer receive a copy of this resolution which we tender in praise and in highest regard.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

By Rep. Rogers:

H. J. R. 30. COMMENDING THE JOHN FISHER FAMILY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING SERVICE ON BEHALF OF HOLY FAMILY HIGH SCHOOL.

WHEREAS, through their children's attendance, Mr. Fisher and his wife, Mary, have been associated with Holy Family High School in Birmingham, Alabama, for the past 24 years; and

WHEREAS, through the years, both Mr. and Mrs. Fisher, as well as their children, have served with dedication in all areas of Holy Family involvement, contributing greatly to the school's programs and to the success of numerous projects; and

WHEREAS, Mr. and Mrs. Fisher are the parents of eight Holy Family High School graduates, seven of whom have finished college and are working as professionals in the Birmingham area; their eighth child is currently enrolled in college and is also pursuing a professional career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the John Fisher family of Birmingham, Alabama, for their extraordinary and longtime service on behalf of Holy Family High School.

BE IT FURTHER RESOLVED, That in token of our sincere warm praise and regard, a copy of this resolution shall be sent to Mr. and Mrs. John Fisher and their children; Anthoneria, John, Dotridge, Samuel, Deborah, Victoria, Angela and Christine.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 30, was adopted.

Also:

By Rep. Rogers:

H. J. R. 31. COMMENDING THE WEST END HIGH SCHOOL LIONS, BIRMINGHAM CITY BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the West End High School Lions, Birmingham City Basketball Champions by virtue of their resounding victory, 64-50, over Parker High's Thun-

dering Herd; and

WHEREAS, it is further to be noted that with the big win in tournament finals, January 29, 1983, the Lions had amassed a phenomenal 17-4 season record and were ranked fourth in the State among Alabama's 4-A teams; and

WHEREAS, much of the credit for the Lions' outstanding season must of course go to Head Coach Wilbert Hamilton and his assistant coach, Charles Acon, who together have pooled their talent to boost their cagers to such prominence in state competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend the Birmingham City Basketball Tournament Champions, the West End High School Lions, and direct that a copy of this resolution be sent to Coach Hamilton on behalf of the team, with a copy also sent to West End principal, Dr. Clarence Mitchell, for appropriate school display.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

By Reps. Smith, Moore, Murphy, Waggoner, Bennett, Owens and Horn:

H. J. R. 32. COMMENDING THE NATIONALLY RANKED UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

WHEREAS, it is with great personal pride that the Alabama Legislature notes that our State's University of Montevallo Lady Falcons Volleyball Team stands 7th, nationally, in the NAIA; and

WHEREAS, with a 33-14 season record for 1982, the Lady Falcons headed for the NAIA National Tournament as District 27 Champions, having defeated Alabama State in the playoff finals to become the first team to qualify for the NAIA berth; the Falcons also were winners of both the University of Tennessee-Martin and the West Georgia Tournaments; and

WHEREAS, it is further to be noted that, under Head Coach Beverly Warren, this is the Lady Falcons' 3rd state title; Coach Warren also serves as UM Athletic Director and is the state's first District 27 Coach of the Year for Volleyball; and

WHEREAS, while completing a rigorous volleyball schedule of 52 matches, the Lady Falcons Volleyball Team maintained an exceptionally high grade point average of 1.90 out of a possible 3.0; and

WHEREAS, traveling to the Nationals in Denver, Colorado, and wearing UM Purple and Gold were Chris Duerr, Janet Ingram, Blanche Watkins, Dana DeLoach, Paula Seibert, Kim Phelps, Dianne Green, Toots Cooley, Amy Dishroon, Honorable Mention All-American Sandra Sims, and Deborah Milliner, a 2nd Team All-National Tournament Selection; the team's manager is Pat Lunceford; Melissa Matthews serves as trainer; and Nellie Nannini is the team's statistician; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate and commend the University of Montevallo Lady Falcons Volleyball Team, as District 27 Champions and as the 7th place team in the nation following the NAIA National Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Warren, on behalf of her staff and the Lady Falcons, with a copy also provided for appropriate display at the University of Montevallo.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 32, was adopted.

H. 2 POSTPONED

On motion of Rep. Holley, the bill, H. 2, was postponed to the fourth legislative day.

BILLS ON THIRD READING RESUMED

And the bill:

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Holley, Johnson (R. G.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McKee, Manley, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable, Warren, White (L), Wilson and Wright.

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Nay: Rep. Davis.

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 13.

And the bill:

H. 3. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, McKee, McMillan, Manley, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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RESOLUTIONS

The following resolutions were introduced:

By Reps. Turnham, Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 33. COMMENDING THE FACULTY AND STAFF OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION AND THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

WHEREAS, Auburn University is a Land-Grant University in the State of Alabama; and

WHEREAS, the Alabama Agricultural Experiment Station is an integral part of the University; and

WHEREAS, its establishment in the year 1883 makes this the centennial year for the Alabama Agricultural Experiment Station; and

WHEREAS, the Alabama Agricultural Experiment Station has had a major impact on the lives and incomes of the people of Alabama; and

WHEREAS, Alabama has a gross farm income of well over two billion dollars; and

WHEREAS, the mission of the Alabama Agricultural Experiment Station is to conduct both applied and basic scientific research programs bearing, directly and indirectly, on the establishment and maintenance of permanent and effective agricultural and forest industries in Alabama; on development and improvement of the rural home and of rural life; to pro-

tection of our soil and water resources, and to improvements in the quality of our environment; and

WHEREAS, the members of the Alabama Legislature take pride in the achievements of the Alabama Agricultural Experiment Station that have brought the Station national and international acclaim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend commendations and best wishes to the Alabama Agricultural Experiment Station faculty and staff as well as to the Board of Trustees of Auburn University for their contributions to the achievements of the Alabama Agricultural Experiment Station over the past one hundred years.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Chairman of the Board of Trustees of Auburn University, the President of Auburn University, Vice President for Agriculture, Home Economics, and Veterinary Medicine at Auburn University, and to the Dean and Director of the Alabama Agricultural Experiment Station.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Turnham:

H. J. R. 34. PETITIONING THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF CORRECTIONS AND THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF REVENUE TO OFFICIALLY DESIGNATE A PORTION OF THE SALARY OF CHAPLAINS IN THE PENAL INSTITUTIONS OF ALABAMA AS A RENTAL ALLOWANCE.

WHEREAS, the Alabama Department of Corrections presently maintains Clergymen as Chaplains on the payroll of that Department for the purpose of ministering to the spiritual needs of inmates and to acquaint them with biblical precepts for living a righteous life; and

WHEREAS, such Chaplains are assigned no other duties nor serve any other purpose for the Alabama Department of Corrections; and

WHEREAS, Section 107 of the Internal Revenue Code of the United States and applicable sections of State law permit a Chaplain to exclude a portion of his salary for housing, utility and furnishings expenses when computing his taxable income; and

WHEREAS, such exclusion of this portion of this salary is permitted only in the case of a Chaplain when the organization which employs him officially designates the payment as a rental allowance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition and call upon the Commissioner of the Alabama Department of Corrections and the Commissioner of the Alabama Department of Revenue to so designate, from this date forward, a portion of the salary of each Chaplain in the employ of the Alabama Department of Corrections as a rental allowance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Commissioner of the Alabama Department of Corrections and the Commissioner of the Alabama Department of Revenue for appropriate action.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Rep. Grouby:

H. J. R. 35. DESIGNATING 1982-1983 AS THE 60TH ANNIVERSARY YEAR OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES IN ALABAMA.

WHEREAS, on October 2, 1922, the Reserve Officers Association of the United States was organized in Washington, D. C., at the urging of then General of the Armies John J. Pershing, with the objective to support a military policy for the United States that would provide adequate national security and to promote the development and execution thereof; and

WHEREAS, on June 30, 1950, this objective was reaffirmed in a Charter granted to the Reserve Officers Association by the Congress of the United States; and

WHEREAS, for the past 60 years, the Reserve Officers Association has acted as a catalyst between the military, citizen-soldiers, and Congress to educate and insure that the nation's defense remains strong and visible through coordinated efforts on both local and national levels; and

WHEREAS, for the past 60 years, the Reserve Officers Association has not only voiced its position on national security matters, but also influenced the passage of legislation to strengthen this national security; and

WHEREAS, the 126,000 members of the Reserve Officers Association, 2,600 state residents who are members of the 23 chapters in the State of Alabama, are commemorating the 60th Anniversary of the founding of the Reserve Officers Association of the United States and particularly during the Alabama Department Reserve Officers Association Convention to be held in Montgomery, Alabama, from April 15 to 17, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor is hereby requested to declare the year of 1982-1983 to be the "60th Anniversary of the Reserve Officers Association" in Alabama.

RESOLVED FURTHER, That it is not the purpose of this resolution to declare a legal holiday but to call on all citizens of the state to join in honoring the men and women of Alabama who are members of this important organization which is dedicated to the development of a strong national security policy for the United States.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Governor George C. Wallace and to Colonel Lawrence H. Kloess, Jr., USAFR, President, Alabama Department, Reserve Officers Association, 3174 Highfield Drive, Montgomery, Alabama 36111.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 35, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 14. (With Amendment): To amend Section 30-3-3 of the Code of Alabama 1975, which relates to visitation rights for minor children, by permitting the court in its discretion to award visitation rights to grandparents

in any subsequent proceeding of a divorce or death case involving child custody and further providing that this law shall be applicable to all divorces previously granted as well as those subsequently granted or deaths of parents of minor children.

Was taken up.

SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, H. 14 with pending amendment reported by the Standing Committee on Judiciary, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide further for visitation rights of grandparents of minor children in certain cases of divorce or death and repeals Section 30-3-3, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. At the discretion of the court, visitation rights for grandparents of minor grandchildren shall be granted in the following cases:

(a) Divorce proceedings, whether granted previously or subsequently to the effective date of this Act; and

(b) Situations concerning the death of a parent related by blood to the grandparents.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed and specifically, Section 30-3-3, Code of Alabama 1975, is repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Owens, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Thomas, Thornton, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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Nay: Rep. Nicholson. —1

And the bill:

H. 14. To provide further for visitation rights of grandparents of minor children in certain cases of divorce or death and repeals Section 30-3-3, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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CO-SPONSORS ADDED

Reps. Wilson, Brooks, Kennedy and Grouby were added as co-sponsors to the bill, H. 14.

And the bill:

H. 6. To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Smith, Starr, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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Nays: Reps. Thornton and Trammell. —2

CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill, H. 6.

And the bill:

H. 16. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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CO-SPONSOR ADDED

Rep. Flowers was added as co-sponsor to the bill, H. 16.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 36. Be it resolved by the Legislature of Alabama, Both Houses concurring, that when we adjourn today, we adjourn until Thursday, February 10, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 36, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hall to require the Standing Committee on Education to meet in order to vote on the bill, H. 7, was lost.

Yeas 35; Nays 39.

Yeas:

Reps.: Ashley, Biddle, Boles, Bowling, Box, Brooks, Butler, Carter, Coburn, Coleman, Davis, Drinkard, Dutton, Freeman, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Martin, Melton, Nicholson, Parker, Rains, Reed, Richardson, Rogers, Starkey, Stout and Thornton.

—35

Nays:

Reps.: Albright, Blakeney, Browder, Bryant, Campbell, Clark, Clikas, Crow, Faulk, Flowers, Gaston, Grimsley, Hammett, Harper, Johnson (A. L.),

Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Murphy, Owens, Payne, Penry, Preuitt, Rice, Sasser, Scott, Starr, Thomas, Turnham, Venable, Waggoner, Wilson and Wright.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:53 P. M. on February 8, 1983.

H. J. R. 15

H. J. R. 19

H. J. R. 20

H. J. R. 21

Delivered to the Governor at 4:40 P. M. on February 8, 1983.

H. J. R. 7

H. J. R. 11

JOHN W. PEMBERTON,
Clerk.

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the motion to suspend the rules in order to require the Standing Committee on Education to meet and vote on the bill, H. 7, was lost.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Venable that the House adjourn until 10:00 o'clock a.m., Thursday, February 10, 1983, was adopted.

ADJOURNMENT

On substitute motion offered by Rep. Venable and pursuant to the resolution, H. J. R. 36 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 10, 1983.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 10, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. W. F. Cosby, Jr., Selma, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson, Roy, the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Hettinger, leave of absence was granted for Rep. Brooks.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 22. To make a continuing appropriation to the State Comptroller from the Fair Trial Tax Fund for the cost of administration of that fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 23. (With Amendment): Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 24. (With Substitute): To amend Section 36-22-43, Code of Alabama 1975, which provides for retirement payments for retired sheriffs, so as to increase said payments.

H. 25. (With Substitute): To amend Act No. , First Special Session 1983 to correct the time of prepayment of debt service from fifteen business days to fifteen calendar days and to increase the number of banks which service debt payments from two to three.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 5. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Rep Albright, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 11. (With Substitute): To amend further sections 25-4-16 and 25-4-72, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to increase the taxable wage base from $6,600 to $9,000 and to increase the individual weekly benefit amount in certain instances from $90 to $130.

H. 33. (With Substitute): To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits in the event the Trust Fund becomes insolvent; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution when appropriate.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the follow-

ing bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 21. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 32. To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 31. (With Amendment): Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding for retroactive effect.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 7. Relating to the Tenth Judicial Circuit of Alabama, including the Bessemer Division thereof; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

S. 18. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 37. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 10, 1983, that we adjourn to meet again on Wednesday, February 16, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 37, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 27. COMMEMORATING THE FOUNDING, IN 1853, OF THE SAINT LOUIS STREET BAPTIST CHURCH, MOBILE, ALABAMA.

Also:

H. J. R. 28. COMMENDING MR. HARRY STILL, BAY MINETTE CITIZEN OF THE YEAR.

Also:

H. J. R. 29. HONORING MS. TOREATHER MENCER.

Also:

H. J. R. 30. COMMENDING THE JOHN FISHER FAMILY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING SERVICE ON BEHALF OF HOLY FAMILY HIGH SCHOOL.

Also:

H. J. R. 31. COMMENDING THE WEST END HIGH SCHOOL LIONS, BIRMINGHAM CITY BASKETBALL CHAMPIONS.

Also:

H. J. R. 32. COMMENDING THE NATIONALLY RANKED UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

Also:

H. J. R. 33. COMMENDING THE FACULTY AND STAFF OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION AND THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

Also:

H. J. R. 35. DESIGNATING 1982-1983 AS THE 60TH ANNIVERSARY YEAR OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES IN ALABAMA.

Also:

H. J. R. 22. HONORING MRS. JOHNNIE K. McKNIGHT OF SELMA, ALABAMA, RECIPIENT OF THE PRESTIGIOUS FLORA W. BOYD AWARD.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 38. REQUESTING THAT THE TENNESSEE VALLEY AUTHORITY PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

WHEREAS, the Tennessee Valley Authority has announced plans to require electric co-ops and municipalities purchasing TVA electrical power to classify agricultural operations as commercial; and

WHEREAS, agriculture has been in a serious market depression for several years with no foreseeable relief; and

WHEREAS, reclassifying agricultural operations to commercial will deal a serious economic blow to the citizens and the economy of this state; and

WHEREAS, farmers rarely produce "finished" agricultural products ready for the consumer marketplace; and

WHEREAS, such reclassification will cost farmers an increase of approximately 29 percent in electrical rates; and

WHEREAS, agricultural operations consume the most power in the summertime when other power demand is low and at the very time of the year when TVA needs to increase consumption; and

WHEREAS, if the new rate structure is not changed to remove agricultural producers from the commercial classification, many that are now facing potential bankruptcy due to the actions of TVA, will go bankrupt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama urgently requests that the Tennessee Valley Authority be caused to amend the new rate structure so as not to impose commercial rates on farmers and other agricultural producers.

BE IT FURTHER RESOLVED, That the Legislature of Alabama concurs with Governor George C. Wallace of Alabama in his recent letter to the President of the United States, Congressmen and the Directors of TVA urging the reclassification of agricultural producers from commercial, back to the same rate that residential customers experience.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, Congressmen and the Directors of the Tennessee Valley Authority.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Reps. Johnson (Roy) and McKee:

H. J. R. 39. URGING PRESIDENT REAGAN'S CAREFUL CONSIDERATION OF GOVERNOR WALLACE'S REQUEST EXPRESSING OPPOSITION TO THE RECENTLY IMPOSED USER FEES AND TAX INCREASES ON THE TRUCKING INDUSTRY.

WHEREAS, it is the consensus of the Alabama Legislature that recently enacted tax legislation, imposing increased user fees and taxes upon our nation's trucking industry, will effectively force many truckers into bankruptcy; and

WHEREAS, the essential services provided by the trucking industry, and most particularly America's independent truckers, are vital to the very survival of the American farmers, our national industries and businesses, both large and small, countrywide; and

WHEREAS, Governor Wallace's recent request to President Reagan reflects the judgment of this body that a repeal or lowering of the exorbitant fees and taxes now imposed must be reduced if America's trucking industry, as we now know it, is to continue in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully urge President Reagan to carefully and favorably consider Governor George Wallace's recent request with regard to the punitive fees and increased taxes imposed upon the trucking industry of our nation.

BE IT FURTHER RESOLVED, That, by copy of this resolution, the Clerk of the House is directed to advise President Reagan of this respectful request of the House and Senate of the Alabama Legislature.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 40. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THAT when the House adjourns today, Thursday, February 10, 1983, that it will adjourn to meet again on Wednesday, February 16, 1983, at 2:00 P.M.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 40, was adopted.

Also:

By Reps. Preuitt and Casey:

H. J. R. 41. CONGRATULATING MUNFORD HIGH SCHOOL LIONS.

WHEREAS, the Legislature of Alabama heartily congratulates the Munford High School Lions on its outstanding basketball season; and

WHEREAS, the Lions are currently ranked Number 2 in the state in Class 2A basketball; and

WHEREAS, this fine team under the capable leadership of Coach Leon Stephens defeated 3A Childersburg, 3A Sylacauga and 4A Talladega to earn the Talladega County Championship; and

WHEREAS, this was the first overall county championship for Munford since 1962; a victory for small-school basketball and for small towns in general; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Munford High School Lions for their outstanding

achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Stephens on behalf of the Alabama Legislature with a copy also provided for appropriate school display.

On motion of Rep. Preuitt, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

By Rep. Richardson:

H. J. R. 42. CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

WHEREAS, the Alabama Legislature notes with pleasure the occasion of Mrs. Henry Grady Jacobs' 90th birthday on February 21, 1983; and

WHEREAS, Mrs. Jacobs, who was born Louise Willson on February 21, 1893, in Scottsboro, is the widow of the late Henry G. Jacobs, a prominent banker of that city; and

WHEREAS, Mrs. Jacobs, who is a lifelong resident of her community, is a member of the First Baptist Church of Scottsboro where she is faithful in attendance, and in service as a Sunday School teacher since 1913; and

WHEREAS, it is to be noted that a party will be held in her honor hosted by her children and grandchildren, and will be a festive occasion and an opportunity to receive the congratulations and best wishes of her family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends of Mrs. Henry Grady Jacobs of Scottsboro, Alabama, in extending heartiest congratulations on her 90th birthday and direct that she receive a copy of this resolution in token of our sincere regard and warm best wishes for many more years of good health and happiness.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Mathis:

H. R. 43. MOURNING THE DEATH OF MR. DAVID RAYMOND SNELL OF SLOCOMB, ALABAMA.

Also:

By Rep. White (L):

H. R. 44. HONORING MR. AND MRS. JOHN O. TANKERSLEY OF ALEXANDER CITY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. White (L):

H. R. 45. COMMENDING MR. HUGH L. THOMPSON, PROMI-

NENT ALEXANDER CITY BANKER AND CIVIC LEADER.

Also:

By Rep. White (L):

H. R. 46. COMMENDING MR. LEWIS McMEANS, PROMINENT ALEXANDER CITY BANKER AND CIVIC LEADER.

Also:

The following resolutions were introduced:

By Rep. Hammett:

H. J. R. 47. COMMENDING MR. JIM SULLIVAN OF ANDALUSIA ON HIS APPOINTMENT TO THE PRESIDENCY OF THE ALABAMA PUBLIC SERVICE COMMISSION.

WHEREAS, the Alabama Legislature is pleased to note the recent appointment by Governor George C. Wallace of Mr. Jim Sullivan of Andalusia, Alabama, to assume the presidency of the Alabama Public Service Commission; and

WHEREAS, eminently qualified for such a prestigious position, Mr. Sullivan is a graduate of the University of Mississippi with a degree in Banking and Finance; he additionally holds a Masters Degree from the University of Alabama, also in Banking and Finance, as well as a degree from the University of Alabama School of Law; and

WHEREAS, prior to his appointment to the commission, Mr. Sullivan was president of a Covington County retail firm and was also involved in the private practice of law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Mr. Jim Sullivan on his recent appointment to the presidency of the Alabama Public Service Commission and direct that he receive a copy of this resolution that he and his wife, Susan, and their family may know of our sincere warm praise and regard.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 47, was adopted.

Also:

By Rep. Hammett:

H. J. R. 48. COMMENDING MR. BILL McCLAIN OF ANDALUSIA, COVINGTON COUNTY ENGINEER.

WHEREAS, Covington County Engineer Bill McClain of Andalusia, Alabama, was recently honored by the Alabama Association of County Engineers with the organization's annual award of merit for outstanding service in areas beneficial to county government; and

WHEREAS, Mr. McClain has been an exemplary Covington County employee since joining the engineering department in 1968, to be named county engineer in 1970; and

WHEREAS, in addition to the established responsibility of his positions, Mr. McClain also has authored two reports, directing attention to deficiencies which have existed in the distribution of state and federal highway funds; and

WHEREAS, Mr. McClain's recent award of the state association of county engineers is a prestigious honor indeed as it publicly proclaims the high regard of his peers and professional associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Mr. Bill McClain of Andalusia, Alabama, and direct that he receive a copy of this resolution in token of our warm praise and in appreciation of his distinguished service to Covington County and the State of Alabama.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 48, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Butler, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 49. COMMENDING MISS MELISSA VAUGHN ERWIN OF MADISON COUNTY, ALABAMA'S MAID OF COTTON FOR 1982.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Rogers, Davis, Horn, Nevett and Thornton:

H. 34. To exempt the Help One Another Club, Inc., of Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Horn, Davis, Bennett and Rogers:

H. 35. Proposing an amendment to the Constitution of Alabama of 1901, which will place responsibility for legislative reapportionment and congressional redistricting in the hands of certain constitutional officers of this state.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Holley, Drake, Johnson (Roy), Casey, Coburn, Blake and Moore:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to abolish the state supervisory board of the Alabama law enforcement planning agency, and specifically repealing Sections 41-8A-5, 41-8A-6, 41-8A-7, and 41-8A-11, Code of Alabama 1975, relating to such board, and to transfer all such functions, duties, and powers to the new agency; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

State Administration.

By Rep. Adams:

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the State of Alabama, so as to include the chairman of the rules committee in each the house and senate.

Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchem:

S. J. R. 16. SETTING MEETING DAYS OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two Houses ad-

journ today, they adjourn to meet again on Wednesday, February 16, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 16, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

And the bill:

H. 19. (With Amendment): To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H.B. 19, Section 2, by deleting lines 10 and 11 on page 2, and substituting in lieu thereof the following:

"A. A reduction of municipal tax rates, municipal license rates and/or municipal fees for governmental services within such zones."

And the amendment was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Casey, Clark, Clikas, Coleman, Crow, Davis, Dutton, Escott, Gaston, Hall, Harper, Hettinger, Horn, Howard, Johnson (Roy), Junkins, Kvalheim, Layton, Lewis, Mathis, Murphy, Nevett, Nicholson, Payne, Poole, Richardson, Rogers, Scott, Seibels, Starr, Thorton, Trammell, Tucker, White (L), Williams, Wilson and Wright.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 19, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Box, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Dutton, Escott, Freeman, Gaston, Grouby, Hall, Hettinger, Horn, Howard, Junkins, Kennedy, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner, Warren, White (F), Williams, Wilson and Wright.

—62

And the bill:

H. 28. (With Amendment): To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a.m. at licensed places and establishments in Class I cities; to authorize Class I cities to restrict and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H.B. 28, page 2, Section 7, line 20, by deleting Section 7 and inserting in lieu thereof the following:

"Section 7. This act shall become effective only after being approved by a citywide referendum by the voters of all Class I cities after the signing hereof by the Governor, or its otherwise becoming law."

And the amendment was adopted.

Yeas 39; Nays 7.

Yeas:

Reps.: Albright, Bennett, Boles, Box, Bryant, Campbell, Carter, Clark, Clikas, Coleman, Davis, Dutton, Escott, Faulk, Gaston, Grouby, Horn, Junkins, Kvalheim, Lauderdale, Lewis, Manley, Nevett, Newman, Nicholson, Parker, Payne, Poole, Richardson, Rogers, Sasser, Scott, Seibels, Thomas, Thornton, Trammell, Tucker, Turner and Waggoner.

—39

Nays:

Reps.: Blakeney, Flowers, Holley, Howard, Layton, Murphy and Wright.

—7

PRESENCE OF QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Payne to indefinitely postpone the bill, H. 28 as amended, was lost.

Yeas 15; Nays 15.

Yeas:

Reps.: Biddle, Blakeney, Boles, Holley, Layton, McKee, Moore, Murphy, Nevett, Payne, Poole, Smith, Trammell, Waggoner and Wright.

—15

Nays:

Reps.: Bennett, Box, Bryant, Clark, Davis, Escott, Horn, Howard, Lewis, Rogers, Scott, Seibels, Thomas, Thornton and Tucker.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 22. HONORING MRS. JOHNNIE K. McKNIGHT OF SELMA, ALABAMA, RECIPIENT OF THE PRESTIGIOUS FLORA W. BOYD AWARD.

Also:

H. J. R. 27. COMMEMORATING THE FOUNDING, IN 1853, OF THE SAINT LOUIS STREET BAPTIST CHURCH, MOBILE, ALABAMA.

Also:

H. J. R. 28. COMMENDING MR. HARRY STILL, BAY MINETTE CITIZEN OF THE YEAR.

Also:

H. J. R. 29. HONORING MS. TOREATHER MENCER.

Also:

H. J. R. 30. COMMENDING THE JOHN FISHER FAMILY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING SERVICE ON BEHALF OF HOLY FAMILY HIGH SCHOOL.

Also:

H. J. R. 31. COMMENDING THE WEST END HIGH SCHOOL

LIONS, BIRMINGHAM CITY BASKETBALL CHAMPIONS.

Also:

H. J. R. 32. COMMENDING THE NATIONALLY RANKED UNIVERSITY OF MONTEVALLO LADY FALCONS VOLLEYBALL TEAM.

Also:

H. J. R. 33. COMMENDING THE FACULTY AND STAFF OF THE ALABAMA AGRICULTURAL EXPERIMENT STATION AND THE BOARD OF TRUSTEES OF AUBURN UNIVERSITY.

Also:

H. J. R. 35. DESIGNATING 1982-1983 AS THE 60TH ANNIVERSARY YEAR OF RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES IN ALABAMA.

And finds same correctly enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 28 RESUMED

The question was then on passage of the bill, H. 28 as amended, and the bill was read a third time at length and lost.

Yeas 13; Nays 15.

Yeas:

Reps.: Bennett, Blakeney, Bryant, Davis, Escott, Horn, Lewis, Rogers, Scott, Seibels, Thomas, Thornton and Tucker.

—13

Nays:

Reps: Biddle, Boles, Holley, Howard, Layton, McKee, Moore, Murphy, Nevett, Payne, Poole, Smith, Trammell, Waggoner and Wright.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Robertson:

S. 26. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 26. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 15. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Also:

By Senator deGraffenried:

S. 13. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 15. Commerce and Industrial Development.

S. 13. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Kirkland, Foshee, Parsons, Covington, Robertson, Teague, Bedford, Aldridge, Denton, Little, and Barron:

S. 4. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Also:

By Senator Hilliard:

S. 16. To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns and similar short-term lodging facilities.

Also:

By Senator Foshee:

S. 21. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and § 16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Also:

By Senator Cooley:

S. 22. To amend Section 26-7A-1 of the Code of Alabama 1975, as amended, which provides for curators being appointed in the probate court so as to clarify that curators may be appointed in any probate court in the State of Alabama and to ratify previous curator appointments by any probate judge which otherwise would qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the date of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 4. Natural Resources.

S. 16. Commerce and Industrial Development.

S. 21. Education.

S. 22. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 12. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Also:

By Senator Smith (J):

S. 27. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Also:

By Senator Smith (J):

S. 24. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Also:

By Senator Hilliard:

S. 14. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama and codified in Article 5 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or

a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state and to industrial development boards created under Division 1 of Article 4 of Chapter 54, Title 11, Code of Alabama 1975, as amended, to include projects providing hotel, motor inn, and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 12. Insurance.

S. 27. Judiciary.

S. 24. Agriculture and Forestry.

S. 14. Commerce and Industrial Development.

RESOLUTION

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 50. MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

WHEREAS, the Legislature of Alabama grievously notes the death of Doctor Juliet Nunn Pearson of Birmingham, Alabama, on February 5, 1983; and

WHEREAS, Doctor Pearson, who was the beloved wife of our friend and colleague, Senator J. Richmond Pearson, also is survived by their two daughters, Janine Richet and Julene Ranicea; and

WHEREAS, Doctor Pearson, at the time of her death and since 1980, was associated with the University of Alabama-Birmingham as Project Director of the Biomedical Sciences Program, University of Alabama-Birmingham Special Studies, School of Community and Allied Health; she also served as affirmative action officer for the University Special Studies, and as Coordinator of the Black Studies Series for Special Studies; and

WHEREAS, the Biomedical Sciences Program was designed to support a unique project to deal with the national problems of under utilization of potentially talented, disadvantaged youths in the scientific and medical community of the country; UAB's project, so astutely directed by Dr. Pearson, provides support for 100 Birmingham students, their parents, guidance counsellors and teachers in introducing and motivating interest in and prep-

aration for careers in biomedical sciences; and

WHEREAS, eminently qualified for the leadership she provided at UAB, Doctor Pearson was a graduate of Miles College, Michigan University and the University of Alabama where she respectively earned B.A., M.A. and Ed.D. Degrees; she was a Birmingham native and a former public school educator for some 25 years with the Jefferson County Board of Education; and

WHEREAS, Doctor Pearson's numerous professional and community involvements extended to include the Alabama, National and Jefferson County Education Associations, the American Teachers Association, South Tittusville Civic League, South Tittusville Citizens Participation Committee, and the Thirgood C.M.E. Church which she faithfully served in such capacities as member of the Steward Board, Chairperson of the Scholarship Fund, Member of the Board of Christian Education and as Instructor of Prayer Ministry; and

WHEREAS, she additionally served her community as a member of the Positive Maturity Board of Directors, on the South Elyton Civic League Board and in involvement with the Birmingham Children's Theatre; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Doctor Juliet Nunn Pearson, sharing our grief with the Birmingham Community, and with her family, so dear to her heart, and for whom copies of this resolution shall be provided.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 50, was adopted.

ADJOURNMENT

On motion of Rep. Cosby and pursuant to the resolution, H. R. 40 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Wednesday, February 16, 1983.

Yeas 48; Nays 33.

Yeas:

Reps.: Albright, Ashley, Biddle, Blakeney, Boles, Bowling, Butler, Campbell, Carothers, Carter, Clikas, Cosby, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (A. L.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Moore, Nevett, Payne, Rains, Rice, Richardson, Sasser, Starkey, Starr, Trammell, Tucker, Venable, Waggoner, White (F), White (L), Williams, Wilson and Wright.

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Nays:

Mr. Speaker, Adams, Bennett, Blake, Box, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Mitchell, Nicholson, Owens, Parker, Poole, Rogers, Scott, Seibels, Smith, Stout, Thomas, Turner, Turnham and Warren.

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FIFTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, February 16, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Charles H. Douglass, Minister St. John's Episcopal Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Johnson (R. G.), leave of absence was granted for Rep. Laird.

MOTION IN WRITING

Rep. Howard filed the following Motion in Writing:

Having voted on the prevailing side on House Bill 28 on the last legislative day, I move that the vote by which said bill failed to pass, be now reconsidered.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 41. CONGRATULATING MUNFORD HIGH SCHOOL LIONS.

Also:

H. J. R. 42. CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING

Rep. Reed filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to amend the House Rules by deleting Rule 31a in its entirety, which rule provides that any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 47. COMMENDING MR. JIM SULLIVAN OF ANDALUSIA ON HIS APPOINTMENT TO THE PRESIDENCY OF THE ALABAMA PUBLIC SERVICE COMMISSION.

Also:

H. J. R. 48. COMMENDING MR. BILL McCLAIN OF ANDALUSIA, COVINGTON COUNTY ENGINEER.

Also:

H. J. R. 50. MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 4. Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Also:

H. 15. Relating to Russell County; providing that any person who was

employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 51. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business February 16, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the following bills:

H. 11 p.6	Unemployment compensation, increase taxable wage base and benefits	Mr. Albright Etal
H. 33 p.7	Unemployment Compensation Trust Fund	Mr. Albright Etal
H. 22 p.4	Fair trial Tax Fund	Mr. Holley
H. 23 p.4	Distribution of revenues, counties & municipalities	Mr. Coburn
H. 25 p.5	Debt service, banks	Mr. Johnson (Roy)
H. 12 p.2	Promotion of swine products	Mr. Smith
H. 8 p.1	Public Employees' Individual Retirement Account Fund	Mr. Bennett

On motion of Rep. Casey, the resolution, H. R. 51, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 16. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said Act.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 13. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

S. 26. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the State of Alabama, so as to include the chairman of the rules committee in each the house and senate.

H. 30. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

S. 22. To amend Section 26-7A-1 of the Code of Alabama 1975, as amended, which provides for curators being appointed in the probate court so as to clarify that curators may be appointed in any probate court in the State of Alabama and to ratify previous curator appointments by any probate judge which otherwise would qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the date of this Act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to abolish

the state supervisory board of the Alabama law enforcement planning agency, and specifically repealing Sections 41-8A-5, 41-8A-6, 41-8A-7, and 41-8A-11, Code of Alabama 1975, relating to such board, and to transfer all such functions, duties, and powers to the new agency; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 12. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 24. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 14. (With Substitute): To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama and codified in Article 5 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing

such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state and to industrial development boards created under Division 1 of Article 4 of Chapter 54, Title 11, Code of Alabama 1975, as amended, to include projects providing hotel, motor inn, and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit;

S. 15. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

S. 16. To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns and similar short-term lodging facilities.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 52. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, February 16, 1983, that we adjourn to meet again on Thursday, February 17, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 53. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, February 16, 1983, that we adjourn to meet again on Thursday, February 17, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 53, was adopted.

Also:

By Reps. Martin, Parker, Drake and Dutton:

H. J. R. 54. COMMENDING AUSTIN HIGH SCHOOL'S COACH JOE JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, February 5, 1983, was a red letter day for basketball Coach Joe Jones, and his Austin High School Black Bears, when the Bears claimed the Morgan County Boys' Basketball Tournament by virtue of a 75-53 triumph over Albert P. Brewer High School; and

WHEREAS, not only was this the 16th time for a Jones-coached team to take the Morgan County title, but it was Coach Jones' 600th varsity win in his 32-year career; and

WHEREAS, Coach Joe Jones also, most significantly, claimed his milestone victory number 600 in Danville where his phenomenal career first began and as a novice coach, netted a mere two wins during that freshman season; and

WHEREAS, from that time on, it was straight to the top for an extraordinary man who has long been widely recognized as one of the top coaches in the state with three of his teams claiming state titles, each in different classes, and two of the teams earning runner-up positions for the state championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in extreme pleasure, exceeded only by our pride in his accomplishments, we hereby both heartily congratulate and most highly commend Coach Joe Jones of Decatur, Alabama's Austin High School.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jones that he and his wife, Dean, their three daughters and other family members may know of our sincere warm praise and regard in his milestone 600th varsity victory and his most singular coaching career.

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Martin, Parker, Drake and Dutton:

H. R. 55. COMMENDING AUSTIN HIGH SCHOOL'S COACH JOE JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Moore to suspend the rules in order to take up out of order the bill, H. 32, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 3. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

MOTION TO RECONSIDER TABLED

Having previously filed a Motion in Writing, Rep. Howard offered the motion to reconsider the vote by which the bill, H. 28, was lost, and on motion of Rep. Payne, the motion to reconsider was tabled.

Yeas 11; Nays 9.

Yeas:

Reps.: Biddle, Boles, Layton, Moore, Murphy, Nevett, Payne, Seibels, Trammell, Waggoner and Wright.

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Nays:

Reps.: Bennett, Davis, Escott, Horn, Howard, Lewis, Rogers, Scott and Thornton.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Adams and Johnson (A. L.):

H. R. 56. COMMEMORATING THE INCORPORATION OF PHENIX CITY, ALABAMA, FEBRUARY 23, 1883.

Also:

By Rep. Carothers:

H. R. 57. Wishing Mr. Ray Andrews a speedy recovery.

Also:

By Rep. Newman:

H. R. 58. CONGRATULATING MRS. INEZ UNGER AS FAYETTE COUNTY MOTHER OF THE YEAR.

Also:

The following resolutions were introduced:

By Reps. Parker, Martin, Dutton and Drake:

H. J. R. 59. COMMENDING MR. PHILLIP L. PARKER OF DECATUR, ALABAMA, WINNER OF THE FIRST "BIRMINGHAM 50 MILES."

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Phillip L. Parker of Decatur, Alabama, winner of the first "Birmingham 50 Miles" on February 12, 1983; and

WHEREAS, Mr. Parker, a Decatur native and a graduate of Morgan County High School and Jacksonville State University, is associated with the Lawrence County School System as a member of the faculty of Hazelwood High School; he also is active in numerous civic and community affairs; and

WHEREAS, the "Birmingham 50 Miles" foot race is the first such race of its kind in the entire State of Alabama with the maiden event attracting a field of 39 racing enthusiasts from all areas of the State and Southeast; and

WHEREAS, it is to be noted that Mr. Parker, previous winner of a number of other races and competitions, took first place with a time of just five hours, 49 minutes and 40 seconds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Mr. Phillip L. Parker of Decatur, Alabama, as the winner of the first "Birmingham 50 Miles"; we further commend him for outstanding accomplishments in numerous areas of community concern and direct that he receive a copy of this resolution that he and his wife, Mabel, their son, Mark, and other family members may know of our sincere warm praise and regard.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 59, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 60. MOURNING THE DEATH OF MR. JERRY RAY KIMBRELL OF WALKER COUNTY, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama notes the death of Mr. Jerry Ray Kimbrell of Walker County, Alabama, on December 28, 1982, at the age of 77 years; and

WHEREAS, Mr. Kimbrell, who was active in the coal mining industry for more than four decades also was a member and active participant in the United Mine Workers of America for 42 years; and

WHEREAS, he further was involved in the political affairs of his area, as senior member, with 25 years service, of the Walker County Democratic Executive Committee; and

WHEREAS, Mr. Kimbrell was a longtime member of the Sardis Nazarene Church which he served for over 40 years either as board member or in other church offices; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Jerry Ray Kimbrell of Walker County, Alabama, and extend our most heartfelt sympathy to his wife and to his two surviving children and their families, for whom a copy of this resolution shall be provided.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 60, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 61. COMMENDING MR. CHARLES B. CRUTCHFIELD, PROMINENT WALKER COUNTY BUSINESSMAN.

WHEREAS, January 1983 marked the Golden Anniversary of Walker County's oldest Black business establishment in years of continuous operation; and

WHEREAS, opened on January 5, 1933, the business is now called Crutchfield Barber Shop; through the years, however, its proprietor, Mr. Charles B. Crutchfield, has stocked and sold general merchandise, signed bail bonds, provided outboard motor repairs and given fishing lessons for his customers; and

WHEREAS, in addition to business responsibilities, Mr. Crutchfield and his wife, Mrs. Cassie Crutchfield, are active in numerous community affairs, including most particularly the affairs of the CME Methodist Church of Jasper, Alabama, where they have been faithful in membership and service for a number of years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Charles B. Crutchfield as one of Walker County's most prominent businessmen; we further congratulate him on the 50th anniversary of the Crutchfield Barber Shop and direct that he and his wife and family receive a copy of this resolution in token of our sincere warm praise and regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

By Rep. Owens:

H. J. R. 62. MOURNING THE DEATH OF MR. MILLARD FILL-

MORE DAILEY, JR., OF BRENT, ALABAMA.

WHEREAS, in a sense of deep sorrow and regret, the Legislature of Alabama notes the death of Mr. Millard Fillmore Dailey of Brent, Alabama, on February 7, 1983, at the age of just 57 years; and

WHEREAS, a prominent Bibb County businessman, Mr. Dailey had operated automobile dealerships and other businesses in both Brent and Centreville during his working years; at the time of his death he was owner and manager of Centreville's Dailey-Faucett Motor Company; and

WHEREAS, Mr. Dailey, who held the rank of colonel in the Alabama National Guard, was an organizer, in 1953, and one of the first members of his local National Guard unit; he further served as the unit's first commanding officer and was primarily instrumental in the building of the present armory in Centreville; and

WHEREAS, he also was active in a number of the civic and business affairs of his community, and was a longtime member of the Brent Baptist Church which he served in responsible membership, and in various church offices; and

WHEREAS, the death of Mr. Millard F. Dailey has indeed left a deep void in the community he served throughout his lifetime, and in the lives of all those privileged to know him as a man of honor and one of deep compassion and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Millard Fillmore Dailey, Jr., of Brent, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Ruth Faucett Dailey; to their daughter and son, Mrs. Milla Boschung and Gary W. Dailey; to his mother, Mrs. Edna M. Dailey, and other family members for whom we are truly concerned in their time of such great sorrow.

On motion of Rep. Owens, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins and Kennedy:

H. R. 63. CONGRATULATING MR. Q. D. ADAMS OF ETOWAH COUNTY, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Hall:

H. R. 64. URGING THE STATE BOARD OF EDUCATION TO ALLOW CERTAIN SCHOOLS TO PARTICIPATE IN POST-SEASON SPORTS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we hereby urge the State Board of Education to allow any school that is located on an approved site and receives funds from the Special Educational Trust Fund to be able to participate in post-season sports, including but not limited to state, regional or

district tournaments, regardless of the size of the school or scholastic accreditation.

On motion of Rep. Hall, the rules were suspended and the resolution, H. R. 64, was adopted.

Also:

By Reps. Adams and Johnson (A. L.):

H. J. R. 65. COMMEMORATING THE INCORPORATION OF PHENIX CITY, ALABAMA, FEBRUARY 23, 1883.

WHEREAS, the City of Phenix City, Alabama, was first incorporated as the Town of Brownville by Act of the Alabama Legislature, House Bill 585, on February 23, 1883; and

WHEREAS, it is then recorded that the Town of Brownville became the City of Phenix City, again by Act of the Alabama Legislature, House Bill 679, on February 19, 1889; and

WHEREAS, the City of Phenix City is observing its Centennial Year with a year-long Centennial Celebration to begin February 23, 1983, on the 100th anniversary date of its incorporation; and

WHEREAS, the City of Phenix City has grown in the 100 years since incorporation from a small border town on the banks of the Chattahoochee into Alabama's 11th largest city, based on its current population of 27,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Phenix City, Alabama, in celebration of the City's Centennial Year and in shared pride of the progress, growth and singular achievement of Alabama's 11th largest metropolis.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the City of Phenix City, Alabama, in expression of commendatory praise and congratulations of both the House and Senate of the Alabama Legislature.

On motion of Rep. Adams, the rules were suspended and the resolution, H. J. R. 65, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Mathis:

H. R. 66. MOURNING THE DEATH OF MRS. MARY HARRIS SNELL OF SLOCOMB, ALABAMA.

Also:

By Rep. Mathis:

H. R. 67. MOURNING THE DEATH OF MISS CINDY ANN SNELL OF SLOCOMB, ALABAMA.

Also:

By Reps. Nevett, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant,

Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 68. MOURNING THE DEATH OF THE REVEREND E. D. CRAIG OF BIRMINGHAM, ALABAMA.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to wit:

H. 4. Relating to Lauderdale County; amending Act No. 88, S. 181, 1959 Regular Session, (Acts 1959, p. 509), as amended, which provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Also:

H. 15. Relating to Russell County; providing that any person who was employed in the office of judge of probate prior to the election of any probate judge shall be entitled to continued employment in that office notwithstanding that such judge of probate is related by blood or marriage.

Also:

H. 16. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said Act.

Also:

H. J. R. 41. CONGRATULATING MUNFORD HIGH SCHOOL LIONS.

Also:

H. J. R. 42. CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

H. J. R. 47. COMMENDING MR. JIM SULLIVAN OF ANDALUSIA ON HIS APPOINTMENT TO THE PRESIDENCY OF THE ALABAMA PUBLIC SERVICE COMMISSION.

Also:

H. J. R. 48. COMMENDING MR. BILL McCLAIN OF ANDALUSIA, COVINGTON COUNTY ENGINEER.

Also:

H. J. R. 50. MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

And finds same correctly enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 3. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

And finds same correctly enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 1. ENDORSING THE PROCLAMATION OF FEBRUARY 1983 AS MEDICAL EYE MONTH.

Also:

S. J. R. 2. COMMENDING THE B. F. GOODRICH TUSCALOOSA PLANT.

Also:

S. J. R. 15. MOURNING THE DEATH OF MR. BUFORD BOONE, DISTINGUISHED JOURNALIST AND TUSCALOOSA CIVIC LEADER.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 3. CREATING THE JOINT INTERIM OIL AND GAS STUDY COMMITTEE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 69. COMMENDING MR. AND MRS. JESS HALL OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

MOTION TO SUSPEND RULES

Rep. Horn offered the motion to suspend the rules in order to take up

out of order the bill, H. 28.

DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Horn to suspend the rules, and the motion was lost, lacking a four-fifths vote.

Yeas:

Reps.: Bennett, Davis, Escott, Horn, Johnson (A. L.), Rogers, Scott, Seibels, Thornton and Tucker.

—10

Nays:

Reps.: Biddle, Boles, Layton, Murphy, Nevett, Payne, Trammell, Waggoner and Wright.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rep. Gaston:

H. J. R. 70. COMMENDING THE MOBILE PRESS REGISTER NEWSPAPER FOR RUNNING FREE ADS TO ASSIST THE UNEMPLOYED.

WHEREAS, the State of Alabama has one of the highest unemployment rates in the nation; and

WHEREAS, the Mobile Press Register is doing something to assist the unemployed in their trade area; and

WHEREAS, the Mobile Press Register is to be highly commended on their program of running free ads for unemployed persons seeking employment; and

WHEREAS, this program is working very well and is recommended for other newspapers throughout this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend the Mobile Press Register on their program of running free ads for the unemployed.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 70, was adopted.

BILLS ON THIRD READING

And the bill:

H. 31. (With Amendment): Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding and for retroactive effect.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 31, page 1, on line 18 after the word "the" by inserting the word highest

And on line 21, after the words "equal the" by inserting the word highest.

And the amendment was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Blakeney, Brooks, Browder, Bryant, Buskey, Clark, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Johnson (A. L.), Johnson (Roy), McKee, Mathis, Moore, Owens, Reed, Rice, Sasser, Scott, Starr, Stout, Thomas, Turner, Turnham, White (L), Williams and Wilson.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 31 as thus amended, was again read at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Buskey, Casey, Clark, Crow, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Harper, Hettinger, Johnson (A. L.), Johnson (Roy), McKee, McMillan, Martin, Mathis, Moore, Nevett, Newman, Owens, Penry, Reed, Rice, Sasser, Scott, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, White (F), White (L), Williams, Wilson and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 7. Relating to the Tenth Judicial Circuit of Alabama, including the

Bessemer Division thereof; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blakeney, Brakefield, Browder, Bryant, Carter, Casey, Crow, Flowers, Ford, Gaston, Goodwin, Grouby, Harper, Hettinger, Johnson (A. L.), Johnson (Roy), Kvalheim, Layton, McKee, Mathis, Moore, Newman, Owens, Penry, Rice, Sasser, Scott, Smith, Starkey, Starr, Thomas, Tucker, Turner, Turnham, White (F), Williams and Wilson.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 18. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Was taken up.

AMENDMENT OFFERED

Rep. Horn offered the following amendment to the bill, S. 18:

Amend S.B. 18, Section 2, by deleting lines 10 and 11 on page 2, and substituting in lieu thereof the following:

"A. A reduction of municipal tax rates, municipal license rates and/or municipal fees for governmental services within such zones."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Crow, Davis, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Horn, Johnson (A. L.), Johnson (Roy), Kvalheim, Langford, Lauderdale, Layton, McKee,

McMillan, Manley, Martin, Mathis, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Reed, Rice, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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And the bill, S. 18 as thus amended, was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hettinger, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Reed, Rice, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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SPECIAL ORDER

The House then proceeded to the consideration of the bills on the Special Order Calendar.

And the bill:

H. 11. (With Substitute): To amend further sections 25-4-16 and 25-4-72, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to increase the taxable wage base from $6,600 to $9,000 and to increase the individual weekly benefit amount in certain instances from $90 to $130.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Business and Labor, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended, (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment" services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to $8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-exemption of wages into or from a tax deferred trust; to extend to 35 years the period during which certain moneys credited to the fund may be used for administrative pur-

poses; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limited to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain conditions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under certain conditions; to provide for an increase in weekly benefit amount to $120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to $22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments, waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-10, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-10. Employment.—

(a) Subject to other provisions of this chapter, "employment" means:

(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and, subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

a. Any officer of a corporation; or

b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

c. Any individual other than an individual who is an employee under paragraphs a. or b. of this subdivision (1) who performs services for remuneration for any person:

1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for his principal;

2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other

similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of paragraph c. of this subdivision, the term "employment" shall include services described in subparagraphs 1. and 2. of paragraph c. of this subdivision, performed after December 31, 1971, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

(2) Service performed:

a. After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c) (7) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or any of its instrumentalities shall be deemed to be "employment" within the meaning of this chapter only if said political subdivision or its instrumentalities has elected to become an employer subject to this chapter pursuant to section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 25-4-130 or section 25-4-131; and

b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, however, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government, but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The Comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components of the state. The Comptroller is hereby authorized to require of such components such payments as are necessary to discharge his responsibilities and shall enforce such payments under the provisions of subsection (b) of section 25-4-51.

d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each munici-

pality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

1. Such service is performed for an employing unit which:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, ~~1980~~, 1984, by an alien referred to in subparagraph 2. of this paragraph a.; or

(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, ~~1980~~, 1984, by an alien referred to in subparagraph 2. of this paragraph a. 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. For the purposes of this paragraph a., such service is not considered to be performed in agricultural labor if performed before January 1, ~~1980~~, 1984, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

3. For the purposes of this paragraph a. any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; , or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subparagraph 3. of this paragraph a.;

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

5. For the purposes of this paragraph a., the term "crew leader" shall mean an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other persons;

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

b. Domestic service after December 31, 1977, in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of $1,000.00 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

For the purposes of this paragraph b. the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. secretary of labor approves the Unemployment Compensation Law of the Virgin Islands under section 3304 (a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivisions (8) or (9) of this subsection (a) or the parallel provisions of another state's law), if:

a. The employer's principal place of business in the United States is located in this state; or

b. The employer has no place of business in the United States, but:

1. The employer is an individual who is a resident of this state; or

2. The employer is a corporation which is organized under the laws of

this state; or

3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

c. None of the criteria of paragraphs a. and b. of this subdivision (5) is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

d. An "American employer," for the purpose of this subsection, means a person who is:

1. An individual who is a resident of the United States; or

2. A partnership, if two-thirds or more of the partners are residents of the United States; or

3. A trust, if all of the trustees are residents of the United States; or

4. A corporation organized under the laws of the United States or of any state.

e. For the purposes of this subdivision (5), the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands, after December 31 of the year in which the U. S. secretary of labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

a. The service is localized in this state; or

b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state;

c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated

transactions;

d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph e. of subdivision (5) of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in section 25-4-14, ~~the Virgin Islands or Canada~~ and the place from which such service is directed or controlled is in this state.

(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

(b) The term "employment" shall not include:

(1) Except as provided in paragraph a. of subdivision (4) of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor as defined in this section prior to such date, and remunerated service performed after December 31, 1977, if such service was performed:

a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced

more than one half of the commodity with respect to which service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Prior to January 1, 1978, domestic services in a private home, local college club, or local chapter of a college fraternity or sorority and after December 31, 1977, if the provisions of paragraph b. of subdivision (4) of subsection (a) of this section are not met.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is $50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

a. On each of some twenty-four days during such quarter such individual performs such service for some portion of the day; or

b. Such individual was regularly employed (as determined under paragraph a. of this subdivision) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by an individual under the age of 21 in the employ of his father or mother.

(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by section 3301 of the federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by congress and from and after the date as of which such permission becomes effective, all of the

provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units; provided, however, if this state should not be certified by the secretary of labor under section 3304(c) of the federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of article 3 of this chapter and shall be refunded by the director from the fund in accordance with the provisions of section 25-4-137.

(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of congress (52 Stat. 1094, as amended) and services with respect to which unemployment compensation is payable under any other unemployment compensation system established by an act of congress; provided, however, that the director is hereby authorized and directed to enter into agreements with the proper agencies under such act or acts of congress, which agreements shall become effective 10 days after publication thereof in the manner provided in section 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college or university, if such service is performed:

a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

1. The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university; and

2. Such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual ~~under the age of 22~~, who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit

at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except:

a. Service performed in connection with the catching or taking of salmon or halibut for commercial purposes; and

b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

b. The director finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants

an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the federal Internal Revenue Code (other than organizations described in section 401(a)) or under Section 521 of such Code, if the remuneration for such service is less than $50.00.

(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

a. In the employ of:

1. A church or convention or association of churches; or

2. An organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or

b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

c. Except as provided in subdivision (7) of subsection (a) of section 25-4-8:

1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph b. of subdivision (2) of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

(iii) As a member of the state National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

e. As part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency

of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

(22) Services performed by an individual as a qualified real estate agent. For the purposes of this chapter the term "qualified real estate agent" shall mean an individual who is a sales person if:

a. such individual is a licensed real estate agent; and

b. substantially all of the remuneration for services performed as a real estate agent (whether or not paid in cash) is directly related to sales or other output (including the performance of services), rather than the number of hours worked, and

c. the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for Federal tax purposes.

(23) Services performed by an individual as a direct seller. For the purposes of this chapter the term "direct seller" shall mean any individual who:

a. is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a—

1. buy-sell basis, or

2. deposit-commission basis, or

3. any similar basis which the U.S. secretary of the treasury prescribes by regulations, for resale (by the buyer or any other individual), in the home or otherwise than in a permanent retail establishment; or

b. is engaged in the trade or business of selling (or soliciting the sale of) consumer products to a consumer in the home or otherwise than in a permanent retail establishment, and

c. substantially all of the remuneration for the services performed by such individual as a direct seller (whether or not paid in cash) is directly related to sales or output (including the performance of services) rather than to the number of hours worked, and

d. The services performed by such individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for Federal tax purposes.

(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of educa-

tion beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(d) For the purposes of this chapter the term "educational institution" means an educational institution (including an institution of higher education as defined in subsection (c) of this section) in which:

(1) Participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

(2) It is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby sitting or day care services although some learning activities may be included.

In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

(e) "Hospital" means an institution which has been licensed, certified or approved by the state board of health or the state board of mental health as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

(f) If the services performed during one half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unit employing him."

Section 2. Section 25-4-16, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-16. Wages.—

(a) Prior to January 1, ~~1978~~ 1983, "wages," as used in this chapter, shall mean such remuneration as was defined in this section prior to such date.

(b) On and after January 1, ~~1978~~ 1983, "wages," as used in this chapter, shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any

medium other than cash shall be determined in accordance with rules prescribed by the director; except that effective on May 28, 1980, and for the purposes of reporting and computing the amount of contributions due, back pay awarded as the result of an agreement, arbitration or order of a court of competent jurisdiction on a retroactive basis shall be considered "wages" during the calendar quarter in which such retroactive payments are made. The term "wages," however, shall not include:

(1) That part of remuneration, which after remuneration equal to ~~$6,600.00~~ $8,000.00 (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund) has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to subdivisions (1) and (2) of subsection (a), subdivision (4) of subsection (b) and subsection (c) of Section 25-4-54 and Sections 25-4-71 through 25-4-75. For the purpose of this subdivision (1), the term "employment" shall include service constituting employment under any unemployment compensation law of another state or of this state.

(2) The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

a. Retirement; or

b. Sickness or accident disability; or

c. Medical or hospitalization expenses in connection with sickness or accident disability; or

d. Death.

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

(4) Any payment made by an employer to, or on behalf of, any employee or his beneficiary:

a. From or to a trust which meets the requirements of Section 401 (k) of the federal Internal Revenue Code and which is exempt from tax under Section 501 (a) of the federal Internal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

b. Under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401 (a) (3), (4), (5) and (6) of the federal Internal Revenue Code.

(5) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Article 3 of this chapter, or of the tax imposed upon an employee by Section 3101 of the federal Internal Revenue Code, as amended, with respect only to

remuneration paid to an employee for domestic service in a private home or for agricultural labor.

(6) Remuneration paid in any medium other than cash to an employee for agricultural or domestic services or for services not in the course of the employer's trade or business.

(7) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

(8) Dismissal payments which the employer is not legally required to make.

(9) Payments made into a fund by an employer to provide for supplemental unemployment benefits under a plan established to provide such benefits to employees in general, or a group or class of employees, of such employer."

Section 3. Section 25-4-32, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-32. Requisition of moneys from trust fund.—

(a) Money shall be requisitioned from the state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director; except, that money credited to this state's account pursuant to section 903 of the Social Security Act, as amended, shall be used exclusively as provided in this section. The director shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state's account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer of the fund shall deposit such moneys in the benefit payment account and shall issue his checks for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit payment account and refunds for the clearing account shall not be subject to any provisions of law (and shall be in lieu of all provisions of law) requiring specific appropriations or other formal release by state officers of moneys in their custody. All checks issued by the treasurer of the fund for the payment of benefits shall bear the signature of said treasurer, and the countersignature of the director or his duly authorized agent, both in such manner as the director may prescribe. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unexpended in the benefit payment account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States to the credit of this state's account in the unemployment trust fund as provided in section 25-4-31.

(b) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature; provided, that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and

the amounts appropriated therefor;

(2) Limits the period within which such money may be expended to a period ending not more than two years after the date of the enactment of the appropriation law; and

(3) Limits the amount which may be used during a 12-month period beginning on July 1, and ending on the next June 30, to an amount which does not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, during the same 12-month period and the thirty-four preceding 12-month periods, exceeds the aggregate of the amounts used pursuant to this section and charged against the amount credited to the account of this state during any of such thirty-five 12-month periods. For the purposes of this subdivision, amounts used during any such 12-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except, that no amount used during any such 12-month period for administration may be charged against any amount credited during such a 12-month period earlier than the thirty-fourth preceding such period.

(c) Money requisitioned for the payment of expenses of administration pursuant to this section shall be deposited in the employment security administration fund, but, until expended, shall remain a part of the unemployment fund. The director shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(d) Money credited to the account of this state pursuant to section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this chapter and of public employment offices pursuant to this chapter."

Section 4. Section 25-4-51, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-51. Rates of contributions, etc., by employers.

(a) Contributions.—Except as hereinafter provided and subject to the provisions of section 25-4-54, every employer shall pay contributions, or payments in lieu of contributions, equal to the percentages of wages payable or paid as hereinafter set out, with respect to employment by him.

(1) With respect to employment during calendar years prior to January 1, 1972, and calendar years after December 31, 1975, the rate shall be 2.70 percent of such wages payable.

(2) With respect to employment after December 31, 1971, and prior to January 1, 1976, except as hereinafter provided, every employer who has not been liable to the provisions of this chapter for a sufficient length of time to have his rate determined under the experience rating provisions of section 25-4-54 shall pay contributions at the rate of 1.50 percent of such wages paid by him with respect to such employment.

(3) With respect to employment after December 31, 1971, any nonprofit organization which, pursuant to the provisions of subdivision (8) of

subsection (a) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, shall pay contributions under the provisions of subdivisions (1) and (2) of this subsection (a) of this section and section 25-4-54, unless it elects in accordance with paragraph a of this subdivision to pay to the director for the fund an amount equal to the amount of regular benefits and one half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin during the effective period of such election.

a. Any nonprofit organization which becomes subject to this chapter on January 1, 1972, by virtue of its employment during calendar year 1971, may elect to become liable for payment in lieu of contributions for a period of not less than nine consecutive calendar quarters beginning with January 1, 1972, provided it files with the director a written notice of its election within the 30-day period immediately following such date. Any nonprofit organization which becomes subject to this chapter by virtue of its employment subsequent to calendar year 1971, may elect to become liable for payments in lieu of contributions for a period of not less than six consecutive calendar quarters, ending on the 30th day of September, by filing a written notice of its election with the director not later than 30 days immediately following the date on which the conditions rendering such organization subject were fulfilled.

b. Any nonprofit organization which makes an election in accordance with paragraph a of this subdivision will continue to be liable for payments in lieu of contributions until its files with the director a written notice terminating its election. Any such termination shall be effective at the end of a calendar year. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

c. Any nonprofit organization which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than the first day of December preceding the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that and the next calendar year and may be terminated only at the end of a calendar year.

d. The director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

e. The director shall notify each nonprofit organization of any determination which he makes of its status as an employer and of the effective date of any election which it makes and of any termination of such election and of benefits paid in accordance with such regulations as he may prescribe. Such notice and determination shall be subject to the provisions for review and finality as set out in subdivision (4) of subsection (c) of section 25-4-54.

f. Any nonprofit organization which elects to make payments in lieu of contributions shall pay to the director for the fund such amounts and in such manner and at such time as is set out in subsection (b) of this section.

g. When two or more nonprofit organizations, as defined in subdivision (3) of subsection (a) of section 25-4-10, merge or one nonprofit organization is acquired by another such organization, the method of payment for

the surviving entity shall be that method elected by such surviving entity under the provisions of this section and in effect at the time of the merger or acquisition. Such method shall remain in effect until such time as it is changed as provided in paragraphs b and c of this subdivision.

(4) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any hospital or institution of higher education operated by this state or any of its instrumentalities which, pursuant to the provisions of subdivision (7) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, and prior to January 1, 1978, shall pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was prescribed in subdivision (2) of subsection (b) of this section prior to January 1, 1978. For the purpose of this subdivision, the governing body of any state hospital or institution of higher education may, with the approval of the director, determine the number of individual accounts for the institutions under its authority.

b. With respect to employment after December 31, 1977, any governmental entity as defined in paragraph (a)(2)b of section 25-4-10, electing or required to make payments in lieu of contributions, shall, pursuant to the provisions of subdivision (2) of subsection (b) of this section, pay to the director for the fund an amount which:

1. Prior to January 1, 1979, is equal to the amount of regular benefits and one-half of the extended benefits paid, and

2. After December 31, 1978, is equal to the amount of regular and extended benefits paid and that is attributable to services after December 31, 1977, in the employ of such entity to individuals for weeks of unemployment which begin on or after January 1, 1979.

(5) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any political subdivision of this state (or any two or more political subdivisions) which elects, under the provisions of section 25-4-131, to become subject to this chapter, shall pay to the director for the fund an amount equal to the amount of regular benefits and prior to January 1, 1979, one half, and thereafter all, of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was set out in subdivision (2) of subsection (b) of this section prior to January 1, 1978.

b. With respect to employment after December 31, 1977, any governmental entity, other than the state, defined in paragraph (a)(2)b of section 25-4-10, shall pay contributions as provided in subdivision (2) of this section and section 25-4-54, unless the governing body of such entity elects under the provisions of subparagraph 1 of this paragraph b to pay to the director for the fund an amount equal to the amount as is prescribed in subdivision (4) of this subsection, and at the rate and in such manner and at such time as set out in subdivision (2) of subsection (b) of this section.

1. Any governmental entity, other than the state, as defined in paragraph (a)(2)b of section 25-4-10, which becomes subject to this chapter on January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than eight consecutive calendar quarters beginning with January 1, 1978, provided it files with the director a written

notice of its election, officially adopted by the governing body of such entity, within the 30-day period immediately following such date. Any such entity which becomes subject to this chapter subsequent to January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than six, ending on the 30th day of September, consecutive quarters by filing with the director a written notice by the governing body of such entity of its election not later than 30 days immediately following the date on which it becomes such an entity. Such election shall remain in effect until the governing body files with the director a written notice terminating its election. Any such termination shall be effective at the end of the calendar year during which such notice is made and its acceptance by the director occurs. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

2. Any governmental entity which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1978, may, effective as of the beginning of any calendar year thereafter, change to a reimbursing basis by filing with the director not later than the first day of December preceding the beginning of such calendar year a written notice by the governing body thereof of its election to become liable for payments in lieu of contributions. Such election shall not be terminable by the governmental entity during that and the next calendar year and may be terminated only at the end of a calendar year.

3. The written notice of election or termination of election of method of payment shall be accompanied by a certified copy of the minutes of the meeting of the appropriate governing body during which the action to elect or terminate was taken.

(6) a. Any contributions or payments in lieu of contributions which are or may become due to be paid as required by this chapter which are attributable to wages paid by any governmental entity described in paragraph c of subdivision 25-4-10(a)(2) shall, upon termination in any manner or cessation of employment by such entity, be paid by the state comptroller as provided for in paragraph c of subdivision 25-4-10(a)(2).

b. Any contributions or payments in lieu of contributions which are or may become due to be paid as required by this chapter which are attributable to wages paid by any governmental entity described in paragraph d of subdivision 25-4-10(a)(2) shall, upon termination or cessation of employment by such entity, be paid by the political subdivision or subdivisions that allowed or caused the creation of such entity.

(b) Payments in lieu of contributions.—Payments in lieu of contributions shall be made in accordance with the provisions of subdivisions (1) and (2) of this subsection.

(1) Each non-profit organization or group of such organizations which has elected to make payments in lieu of contributions shall at the end of each calendar quarter, or at the end of any other period as the director shall prescribe, pay to the director an amount equal to the full amount of regular benefits plus one-half of the extended benefits paid during such quarter or other prescribed period that is attributable to services in the employ of such organization. Such payments shall be made within 20 calendar days after notice of the amount due is mailed by the director.

(2) Each governmental entity which has elected to make payments in lieu of contributions shall make such payments to the director in an amount representing one of the following:

a. Any entity becoming subject to this chapter effective January 1, 1972, shall pay:

1. For the calendar quarter beginning July 1, 1972, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1973, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (4)b of subsection (a) of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll (without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1971, said payments to be made not later than the tenth day of the first month of each quarter, and

2. For each calendar quarter during fiscal years beginning on and after October 1, 1973, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding June 30, as the director shall determine. Such determination, except as hereinafter provided, shall be based each year on the average quarterly benefit cost during the four-calendar-quarter period ending on the immediately preceding June 30, which is attributable to service in the employ of such entity; provided, however, that for each calendar quarter beginning on or after October 1, 1978, the rate shall be determined on the basis of its average quarterly payroll and benefit costs for the four-calendar-quarter period ending on the immediately preceding December 31.

b. Any entity becoming subject effective January 1, 1978, shall pay:

1. For the calendar quarter beginning July 1, 1978, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1979, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (a)(4)b of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll (without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1977, said payments to be made not later than the tenth day of the first month of each quarter, and

2. In each calendar quarter during fiscal years beginning on and after October 1, 1979, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding December 31 as the director shall determine. Such determinations, except as hereinafter provided, shall be based each year on the average quarterly benefit cost during the four-calendar-quarter period ending on the immediately preceding December 31 which is attributable to service in the employ of such entity including benefits paid under the provisions of paragraph (b)(2)c of section 25-4-74.

3. The director shall notify each governmental entity of its rate for the next fiscal year not later than the first day of April preceding such fiscal year.

c. Any governmental entity becoming subject to this chapter, and/or electing to make payments under this subsection, subsequent to January 1, 1978, will make the advance payment as provided in paragraph b of subdivision (2) of this subsection (b) in such amount as is therein provided within the first 10 days of the first month of the second quarter following the quarter during which the coverage and/or election becomes effective and during the first 10 days of each calendar quarter thereafter until the first day of October of the calendar year next following the calendar year during which

such election became effective. Thereafter, the rate of such payment shall be computed as provided in subparagraph b 2 of this subdivision.

d. For any governmental entity which did not pay wages throughout the periods specified in paragraphs a and b, respectively, of this subdivision (2), the average quarterly covered payroll shall be as determined by the director based on that portion of such periods during which wages were paid.

(3) ~~At the end of each one-year period for which a rate for payments in lieu of contributions has been set, the director may modify the quarterly percentage of payroll thereafter payable by the governmental entity in order to minimize excess or insufficient payments.~~ When a rate of payments in lieu of contributions has been set by the director for any one-year period as is provided by this subsection (b) nothing herein shall be construed as preventing the director from modifying the percentage thereafter payable by a government entity, for such entity, from the rate set in order to minimize excess or insufficient payments. In making such modification the director shall consider factors such as current benefit cost ratio and current benefit costs as may be effected by an increase or decrease in state or federal funding, reorganization of the entity, increase or decrease in the number of employees and general economic conditions which directly or indirectly affect benefit costs attributable to any entity. Any modification so made shall become effective the first day of the calendar quarter next following a notice to the employer of such modification at least ten days prior thereto.

(4) At the end of each one-year period for which a rate for payments in lieu of contributions has been set, the director shall determine whether the total of payments for such year made by any employer is less than, or in excess of, the total amount of regular benefits plus such amount of extended benefits as is required by this section to be charged to such employer paid to individuals during such year based on wages attributable to service in the employ of such employer. Each such employer whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with this subsection. If the total payments are in excess of the amount so determined for the specified one-year period, all or a part of the excess may, at the discretion of the director, be refunded from the fund or retained in the fund as part of the payments which may be required for the next such year. Any payments due to be made under this subdivision (4) shall be made not later than ~~10~~ 20 days after the date on which the director shall mail to the employer notice of the amount.

(5) Payments made by any organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such organizations.

(6) Any other provisions of law not withstanding, payments in lieu of contributions as provided by this subsection shall be:

a. Subject to the same penalties, collection and enforcement proceedings and provisions for hearing and review, extensions, refunds and protections that pursuant to sections 25-4-54, 25-4-132 through 25-4-138 and 25-4-145 apply to contributions, and

b. 1. Should any amounts due from any component or instrumentality of this state remain due and unpaid for a period of 90 days after the due date, the state comptroller shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such component or instrumentality by any other department,

agency or official of the state or against any bank account established in any bank whether or not in this state. Such department, agency or official shall deduct such amounts as are certified by the comptroller from any accounts or deposits or any funds due such delinquent component or instrumentality without regard to any prior claim and promptly forward such amounts to the comptroller.

2. Should any amounts due from any governmental entity of any county, municipality or any instrumentality thereof, as defined in paragraph (a)(2)b of section 25-4-10, remain due and unpaid for a period of 120 days after the due date, the director shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such governmental entity by the state treasurer, comptroller, commissioner of revenue or any other official or agency of this state or against any bank account established in any bank. Such officials, agency or bank shall deduct such amounts as are certified by the director from any accounts or deposits with or any funds due such delinquent governmental entity without regard to any prior claim and promptly forward such amounts to the director for the fund; provided, however, that the director shall notify the delinquent entity of his intent to file such levy by certified mail at least 10 days prior to filing of a levy on any funds due the entity by any state official or agency.

(7) Any nonprofit organization which elects to become liable for payments in lieu of contributions shall, in addition to making such payments, be required within 30 days after the date the director mails notice of his approval of its election, to execute and file with the director a surety bond, or a cash deposit in lieu thereof, as approved by the director. For the purpose of this subdivision, a surety bond is a bond of surety issued by an organization licensed and authorized to issue such bond in this state. The amount of the surety bond or cash deposit required by this subdivision (7) shall be an amount as determined by the director ~~but not more than 2.7 percent~~ based on a percentage (not higher than the maximum percentage provided by section 25-4-54) of the organization's ~~wages~~ covered payroll as defined in this chapter for the four calendar quarters immediately preceding the effective date of the election, or the renewal date in case of a bond, or the biennial anniversary in the case of a cash deposit, whichever date shall be most recent and applicable. For any such organization which did not pay wages throughout each of four such calendar quarters the amount of the bond or deposit shall be as determined by the director.

a. Any surety bond deposited under this subdivision (7) shall be in force for a period of not less than two full calendar years and shall be renewed not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 30 days of the date notice of such adjustment was mailed or otherwise delivered to it. Failure of any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties as provided by this chapter, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

b. Any deposit of money in accordance with this subdivision (7) shall be retained by the director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The director may deduct

from the money deposited under this subdivision (7) by any organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalty. The director shall require the organization within 30 days following any deduction from a money deposit under the provisions of this subdivision (7) to deposit sufficient additional monies to make whole the organization's deposit at the prior level. The director may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary, he shall require the organization to make an additional deposit within 30 days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary whichever action is appropriate.

c. If any organization subject to the provisions of this section fails to file a surety bond or make a cash deposit or to file a surety bond in an increased amount or to increase or make whole the amount of a previously made cash deposit, or fails to pay before the delinquency date any payments due together with any accumulated interest and penalty as provided by this chapter, the director may terminate such organization's election to make payments in lieu of contributions effective as of the end of any calendar quarter and such termination shall continue for not less than two consecutive calendar years; provided, that the director may extend for good cause the posting of a cash deposit, the filing of a surety bond or the extension of an adjustment period by not more than 30 days.

(8) If benefits paid to an individual are based on wages paid by two or more employers, the amount of benefits payable by an organization required to or electing to make payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid by such employer to the individual and used for the payment of benefits bears to the total base period wages paid to the individual by all his base period employers and used for payment of benefits.

The other provisions of this subsection notwithstanding, no such employer shall be required to reimburse the fund for any portion of the benefits paid to any individual whose benefits which are attributable to public service wages funded under the Comprehensive Employment and Training Act of 1973, as amended, after December 31, 1975, to the extent that such benefits are reimbursed to the fund by the federal government under the provisions of section 220 of the Emergency Jobs Program Extension Act of 1976 (P.L. 94-444).

(9) Two or more employers that have elected to make payments in lieu of contributions in accordance with the provisions of this section may file a joint application to the director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such organizations. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon his approval of the application, the director shall establish a group account for such employers effective as of the beginning of the calendar quarter next following the quarter in which he received such application, and shall notify the group's representative of the effective date of the account. Such group account shall remain in effect for not less than eight calendar quarters and thereafter until terminated at the discretion of the director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quar-

ter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for services in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision (9), for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of a group and the time and manner of such payments.

(10) Notwithstanding any other provisions of this chapter, any employer who was liable for payments in lieu of contributions for the period immediately preceding the effective date of termination of its coverage pursuant to section 25-4-130 shall nevertheless continue to be liable to pay to the director for the fund the amount of regular benefits and ~~one-half of the~~ extended benefits paid, as required by this chapter, that is attributable to service in the employ of such employer prior to the effective date of such termination, to individuals for weeks of unemployment which begin on or after such effective date. Such payments to the director shall be made at such times and in such manner as the director shall prescribe and the director shall continue to require payments in lieu of contributions and surety in such amounts and for such period as he may deem necessary to insure restoration to the fund of the amount of such regular and extended benefits."

Section 5. Section 25-4-52, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-52. Contributions by employees.—

(a) For each calendar year, when the unemployment trust fund is greater than the minimum normal amount for the fiscal year beginning on October 1, next preceding, as computed under the provisions of subsection (g) of section 25-4-54, no contribution shall be made by any employee.

(b) For each calendar year, when the unemployment trust fund is less than the minimum normal amount for the fiscal year beginning on October 1 next preceding, as computed under the provisions of subsection (g) of section 25-4-54, each employee employed by an employer subject to this chapter shall, except as provided by paragraph (4)c of subsection 25-4-54(g), contribute to the fund 0.5 percent of the wages for employment paid to him after the date as of which the conditions determining that his employer is subject to this chapter have been fulfilled; except:

(1) No employee shall be required to pay contributions on that part of his wages which are not included in the definition of "wages" as prescribed in section 25-4-16. If by reason of an employee rendering service for more than one employer during any calendar year, the wages of the employee with respect to employment during such year exceed the amount set out in section 25-4-16, the employee shall be entitled to a refund of any amount of contribution with respect to such wages, imposed by this chapter, deducted from such wages and paid to the fund, which exceeds the contribution with respect to the amount of wages set out in this subdivision (1).

(2) No employee shall be required to pay contributions on any wages paid to him for employment as defined in subdivisions (a) (2) and (a) (3) of section 25-4-10 if such wages could become the basis for payment of benefits for which his employer would be required or has elected to reimburse the

fund by means of payments in lieu of contributions pursuant to subdivisions (a) (2), (a) (3) and (a) (4) of section 25-4-51."

Section 6. Section 25-4-54, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-54. Contribution rates for employers chargeable with benefit wages.—

(a) Determination of contribution rates.—

(1) For the 12-month period beginning on January 1, of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the fiscal year, as defined in section 25-4-4, immediately preceding such January 1, shall have his rate determined by the unemployment compensation fund's maximum liability for benefits to his employees who have been paid benefits, modified by the state experience as of the most recent December 31, as to average duration of benefit payments as provided in this section. The employment record of an organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection (d) of this section.

(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's experience rating account shall not be terminated, and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous throughout such period. The benefit wage percentage of any such employer for the fiscal year in which he resumes business and the three fiscal years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces, based upon wages paid by him prior to his entrance into such forces) for the three most recent fiscal years divided by that part of his total payroll with respect to which contributions have been paid for the three most recent fiscal years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates.

(b) Determination of employee benefit wages.—The employee's benefit wages shall be determined as follows:

(1) When, prior to October 1, 1983, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages. After September 30, 1983, when an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for one week of total unemployment his wages during his base period shall be employee's benefit wages. When, prior to October 1, 1983, an employee has been paid benefits, but not in an amount equal to or greater than three times his weekly benefit amount, his wages will become benefit wages on the date he is paid benefits after September 30, 1983, provided the amount paid before and after this date equals

or exceeds his weekly benefit amount.

(2) Except, that wages paid to an employee during his base period for part-time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period shall not be determined to be employee's benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require ~~within four days, excluding Saturdays, Sundays and holidays~~, the time required by other provisions of this chapter after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

(3) As to any employee who is a "maritime worker," benefit wages of such employee during a base period as determined under subdivision (b) (1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in ~~subdivision (b) (1) of~~ section 25-4-16 paid to such employee during such base period by any one employer, shall be multiplied by a fraction, the numerator of which is his average quarterly earnings (as defined in subsection (c) of section 25-4-76) in his base period and the denominator of which is his highest earnings of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker."

(4) When, in the determination of any employee's benefit wages, wages have been included once in any employee's benefit wages for one benefit year or in any employee's wages for one base period, such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

(5) In computing an employee's benefit wages, no wages in excess of the amount defined as "wages" in section 25-4-16 paid to him in his base period by any one employer, shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in section 25-4-16 because of the receipt of benefits in a benefit year by one of his workers or former workers.

(c) Determination of employer benefit wages.—

(1) An employer's benefit wages for each and every fiscal year shall be the total of the benefit wages received from him by all of his employees or former employees which became employee's benefit wages in such fiscal year.

(2) The director shall analyze the benefit payments in, and the employee and employer benefit wages for, each fiscal year and determine each employer's benefit wages for each fiscal year.

(3) Notwithstanding any inconsistent provisions of this chapter, if, after the last day of any claimant's benefit year but within the 60 days next following thereafter or within 60 days next following notice to the employer of benefit wage charges were made as a consequence of such claimant's receipt of benefits, whichever is the later, an employer for whom benefit wage charges were made as a consequence of such claimant's receipt of benefits files a written notice in such manner as the director shall prescribe stating that he had reemployed such claimant within the claimant's benefit year, and the director finds that such employee received in benefits a total amount aggregating not more than 25 percent of the maximum benefit payments to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 75 percent of the benefit wages previously charged against him relating to such

claimant's previous employment; or, if the director finds that such employee received in benefits an amount aggregating more than 25 percent but not more than 50 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 50 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or, if the director finds that such employee received in benefits a total amount aggregating more than 50 percent but not more than 75 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 25 percent of the benefit wages previously charged against him relating to such claimant's previous employment; provided, however, that such credits shall be made for the fiscal year and the calendar quarter in which the finding is made by the director and no attempt shall be made to relate such credits to the period in which the rehire occurred. For the purpose of this subdivision (3), "reemployment" shall mean performing services for remuneration.

(4) The director shall, after the close of each calendar quarter, furnish each employer with a statement of the wages of his workers, or former workers, which became his benefit wages in that calendar quarter, together with the names of such workers, or former workers, and such statement, in the absence of an application for a revision thereof within 90 days of the mailing of such statement to the employer's last known address, shall be conclusive and final upon the employer for all purposes and in all proceedings whatsoever. Such application for revision shall be in the form and manner prescribed by regulation of the director. Upon receipt of, within the time allowed, an application for revision of such statement, the director shall allow such application in whole or in part, or shall deny such application and shall serve notice upon the employer of such decision. Such decision of the director shall be final and conclusive on the employer at the expiration of 30 days from the date of service of such notice, unless the employer shall within the said 30-day period file with the director a written protest and a petition for hearing, specifying his objections thereto. Upon receipt of such petition the director shall fix a time and place for a hearing and shall notify the employer thereof. At any hearing held as herein provided, the decision of the director shall be prima facie correct, and the burden shall be upon the protesting employer to prove it is incorrect. No employer shall have the right to object to the benefit wages with respect to any worker as shown on such statement, unless he shall first show that such benefit wages arose as a result of benefits paid to such worker in accordance with a determination, or a redetermination, to which such employer was a party entitled to notice thereof, as provided by article 5 of this chapter, and shall further show that he was not notified of such determination or redetermination in accordance with the requirements of said article 5 of this chapter. Nothing herein contained shall affect the right of any employer at such hearing to object to such statement of benefit wages on the ground that it is incorrect by reason of a clerical error made by the director or any of his employees. The employer shall be promptly notified by mail of the director's decision. Such decision shall be final and conclusive unless an appeal is taken therefrom in the manner and within the time prescribed in subsection (h) of this section.

(5) Nothing contained in subdivision (4) of this subsection (c) shall be construed as limiting or affecting in any manner the right and authority of the director to remove benefit wage charges from any employer's account upon discovering or being aware of any such employer's workers or former

workers having drawn benefits by reason of false representations of their earnings while filing claims for benefits.

(d) Determination of employer benefit wage percentage.—The benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section and has been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for such period by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31, next following such period, and the benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a) (1) of this section, but who has not been subject to this chapter for a period of time sufficient to have been chargeable with benefit wages throughout the three most recent preceding fiscal years, shall be a percentage obtained by dividing the total of his benefit wages for the period throughout which he has been chargeable, such period to be not less than the most recent preceding fiscal year, by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period. The percentage thus derived shall be used in determining each employer's contribution rate as prescribed in subsection (a) of this section for the next calendar year.

(e) Determination of state experience factor.—From the total amount of benefits paid from the unemployment compensation trust fund during each fiscal year there shall be subtracted all amounts credited to the fund during each such fiscal year other than employer's and employees' contributions and money credited to this state's account in the unemployment compensation trust fund pursuant to section 903 of the Social Security Act, as amended, and the remainder shall be termed the "amount required for the fund" for each such fiscal year. The "state experience factor" for each calendar year shall be a percentage determined by adding to the percentage derived by dividing the total of the amounts required for the fund for the three most recent fiscal years by the statewide total of benefit wages of all employers for the three most recent fiscal years, a factor of an additional 5 percentage points, and by adjusting to the next highest multiple of one percent. The state experience factor shall be determined annually prior to December 15 of the calendar year for which the determination is made.

(f) Notice of contribution rate, etc.; maximum rate.—The contribution rates for each employer, as provided in subsection (a) of this section, shall be determined by the director and the director shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within 30 days after the effective date of such rate. Except as provided ~~hereinafter and subdivision~~ (4) in paragraph (4) b of subsection (g) of this section, such employer contribution rate for tax rate year beginning January 1, 1984 shall be determined from the first ~~13~~ 16 columns (and for tax rate years beginning on or after January 1, 1985, all columns) of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed "state experience factor," the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year. ~~The maximum employer's contribution rate under this subsection shall be 3.6 percent.~~

25-4-54(f)	Col.1	Col.2	Col.3	Col.4	Col.5	25-4-54(f) Col.6
State Experience Factor	Employer's Benefit Wage Percentage					
1%	50.00%	75.00%	100.00%	125.00%	150.00%	175.00%
2	25.00	37.50	50.00	62.50	75.00	87.50
3	16.75	25.00	33.25	41.50	50.00	58.25
4	12.50	18.75	25.00	31.25	37.50	43.75
5	10.00	15.00	20.00	25.00	30.00	35.00
6	8.25	12.50	16.75	20.75	25.00	29.25
7	7.25	10.75	14.25	17.75	21.50	25.00
8	6.25	9.50	12.50	15.75	18.75	22.00
9	5.50	8.25	11.00	14.00	16.75	19.50
10	5.00	7.50	10.00	12.50	15.00	17.50
11	4.50	6.75	9.00	11.25	13.75	16.00
12	4.25	6.25	8.25	10.50	12.50	14.50
13	3.75	5.75	7.75	9.50	11.50	13.50
14	3.50	5.25	7.00	9.00	10.75	12.50
15	3.25	5.00	6.75	8.25	10.00	11.75
16	3.25	4.75	6.25	7.75	9.25	11.00
17	3.00	4.50	6.00	7.25	8.75	10.25
18	2.75	4.25	5.50	7.00	8.25	9.75
19	2.75	4.00	5.25	6.50	8.00	9.25
20	2.50	3.75	5.00	6.25	7.50	8.75
21	2.50	3.50	4.75	6.00	7.00	8.25
22	2.25	3.50	4.50	5.75	6.75	8.00
23	2.25	3.25	4.25	5.50	6.50	7.50
24	2.00	3.25	4.25	5.25	6.25	7.25
25	2.00	3.00	4.00	5.00	6.00	7.00
26	2.00	3.00	3.75	4.75	5.75	6.75
27	1.75	2.75	3.75	4.75	5.50	6.50
28	1.75	2.75	3.50	4.50	5.25	6.25
29	1.75	2.50	3.50	4.25	5.25	6.00
30	1.75	2.50	3.25	4.25	5.00	5.75
31	1.50	2.50	3.25	4.00	4.75	5.75
32	1.50	2.25	3.00	4.00	4.75	5.50
33	1.50	2.25	3.00	3.75	4.50	5.25
34	1.50	2.25	3.00	3.75	4.50	5.25
35 or More....	1.50	2.25	3.00	3.50	4.25	5.00
Employer's Contribution Rate	.5	.75	1.00	1.25	1.50	1.75

25-4-54(f)	Col.7	Col.8	Col.9	Col.10	Col.11	25-4-54(f) Col.12
State Experience Factor	Employer's Benefit Wage Percentage					
1%	200.00%	225.00%	250.00%	270.00%	300.00%	330.00%
2	100.00	112.50	125.00	135.00	150.00	165.00
3	66.75	75.00	83.25	90.00	100.00	110.00
4	50.00	56.25	62.50	69.50	75.00	82.50
5	40.00	45.00	50.00	54.00	60.00	66.00
6	33.25	37.50	41.75	45.00	50.00	55.00
7	28.50	32.00	35.75	38.50	42.75	47.00
8	25.00	28.00	31.25	33.75	37.50	41.25
9	22.25	25.00	27.75	30.00	33.25	36.75
10	20.00	22.50	25.00	27.00	30.00	33.00
11	18.25	20.50	22.75	24.50	27.25	30.00
12	16.75	18.75	20.75	22.50	25.00	27.50
13	15.50	17.25	19.25	20.75	23.00	25.50
14	14.25	16.00	17.75	19.25	21.50	23.50
15	13.25	15.00	16.75	18.00	20.00	22.00
16	12.50	14.00	15.75	16.75	18.75	20.50
17	11.75	13.25	14.75	16.00	17.75	19.50
18	11.00	12.50	14.00	15.00	16.75	18.25
19	10.50	11.75	13.00	14.25	15.75	17.25
20	10.00	11.25	12.50	13.50	15.00	16.50
21	9.50	10.75	12.00	12.75	14.25	15.75
22	9.00	10.25	11.25	12.25	13.75	15.00
23	8.75	9.75	10.75	11.75	13.00	14.25
24	8.25	9.50	10.50	11.25	12.50	13.75
25	8.00	9.00	10.00	10.75	12.00	13.25
26	7.75	8.75	9.50	10.50	11.50	12.75
27	7.50	8.25	9.25	10.00	11.00	12.25
28	7.00	8.00	9.00	9.75	10.75	11.75
29	7.00	7.75	8.50	9.25	10.25	11.25
30	6.75	7.50	8.25	9.00	10.00	11.00
31	6.50	7.25	8.00	8.75	9.75	10.75
32	6.25	7.00	7.75	8.50	9.50	10.25
33	6.00	6.75	7.50	8.25	9.00	10.00
34	6.00	6.50	7.25	8.00	8.75	9.75
35 or More....	5.75	6.50	7.25	7.75	8.50	9.50
Employer's Contribution Rate	2.00	2.25	2.50	2.70	3.00	3.30

25-4-54(f)	Col.13	~~Col.14~~	Col.14	Col.15	Col.16	25-4-54(f) Col.17
State Experience Factor			Employer's Benefit Wage Percentage			
1%	360.00%		400.00%	450.00%	500.00%	
2	180.00		200.00	225.00	250.00	
3	120.00		133.25	150.00	166.75	
4	90.00		100.00	112.50	125.00	
5	72.00		80.00	90.00	100.00	
6	60.00		66.75	75.00	83.25	
7	51.50		57.25	64.25	71.50	
8	45.00		50.00	56.25	62.50	
9	40.00		44.50	50.00	55.50	
10	36.00		40.00	45.00	50.00	
11	32.75		36.25	41.00	45.50	
12	30.00		33.25	37.50	41.75	
13	27.75		30.75	34.50	38.50	
14	25.75		28.50	32.25	35.75	
15	24.00		26.75	30.00	33.25	
16	22.50		25.00	28.00	31.25	
17	21.25		23.50	26.50	29.50	
18	20.00		22.25	25.00	27.75	
19	19.00		21.00	23.75	26.25	
20	18.00		20.00	22.50	25.00	
21	17.25		19.00	21.50	23.75	
22	16.25		18.25	20.50	22.75	
23	15.75		17.50	19.50	21.75	
24	15.00		16.75	18.75	20.75	
25	14.50		16.00	18.00	20.00	
26	13.75		15.50	17.25	19.25	
27	13.25		14.75	16.75	18.50	
28	12.75		14.25	16.00	17.75	
29	12.50		13.75	15.50	17.25	
30	12.00		13.25	15.00	16.75	
31	11.50		13.00	14.50	16.25	
32	11.25		12.50	14.00	15.50	
33	11.00		12.00	13.75	15.25	
34	10.50		11.75	13.25	14.75	
35 or More....	10.25	4.00	11.50 4.00	12.75 4.50	14.25 5.00	5.40
Employer's Contribution Rate	3.60					

~~BENEFIT-WAGE PERCENTAGE IN EXCESS COLUMN 13 OF THIS TABLE~~

Benefit wage percentage in Excess of Column 18 of this Table

(g) Increase or decrease of contribution rate.—Contribution rates for each employer, and his employees when required by the provision of section 25-4-52 and subdivision (4) of this subsection, determined pursuant to subsection (f) of this section, shall nevertheless be subject to increase as hereinafter provided.

(1) The "benefits payroll ratio" of the state for each fiscal year shall be determined by dividing the total of benefits paid, including the state's portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year, less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the state wide total of taxable payrolls of all employers upon which contributions have been paid during the same fiscal year, and by adjusting the quotient to the nearest multiple of one-thousandth.

(2) The "minimum normal amount" of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the 10 most recent preceding fiscal years.

(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before December 1, next following, so declare, and, effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection (f) of this section on the basis of each employer's benefit wage percentage computed for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar year as provided in subsection (e) of this section.

(4) a. If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the December 1, next following, so declare. To be effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for employer shall be determined by the director from the table in subsection (f) of this section on the basis of each employer's benefit wage percentage determined for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing rates for calendar year beginning January 1, 1984, under this subsection ~~all 14~~ the first 16 columns (and for calendar years beginning January 1, 1985, and thereafter, all columns) in the table in subsection (f) of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be ~~four percent (4.0%)~~ five percent (5.0 percent) for the calendar year beginning January 1, 1984, and five and four-tenths percent (5.4 percent) for calendar years beginning January 1, 1985 and thereafter.

b. Notwithstanding any inconsistent provisions of this section, to the rates of contribution as determined by using the table in subsection (f) of this section there shall be added to such rate an ~~additional one-half percent (0.5%) beginning January 1, 1978, and ending on the first day of the first calendar year following enactment at the beginning of which there is not an~~

~~outstanding indebtedness to the Federal Unemployment Fund for monies advanced for the payment of benefits, provided, however, that no rate shall exceed four percent (4.0%).~~ emergency surcharge of 25% of the determined rate, adjusted to the next higher even one-tenth percent, beginning January 1, 1983. It is provided, however, that by the application of the surcharge no employer's rate shall be increased more than seven-tenth of one percent (0.7 percent). Such surcharge shall remain in effect until the January 1 next following the end of any fiscal year at the end of which the balance in the state's unemployment trust fund is an amount equal to, or in excess of, seventy-five percent (75.0 percent) of the minimum normal amount, computed under the provisions of subdivision (2) of this subsection (g) for such fiscal year.

c. When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 25-4-52, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent). It is provided, however, that, in lieu of the rate provided in this paragraph c., for the period beginning with the first calendar year which begins after December 31, 1982 and ending with the January 1 next following the end of any fiscal year at the end of which the balance in the state's trust fund is an amount equal to, or in excess of, seventy-five percent (75.0 percent) of the minimum normal amount, computed under the provisions of subdivision (2) of this subsection (g) for such fiscal year, the rate of such contribution by the employee shall be 1.0 percent (one percent).

(5) Any amount credited to this state's account under section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within 30 days after each such January 1, and, when contributions are required of employees under the provisions of this section, notice of such requirement shall be given the employer not later than 10 days prior to the effective date of such contributions. This subdivision (6) shall not apply to employers who in lieu of contributions, reimburse the fund for benefits paid.

(h) Review of contribution rate, etc.—Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall, when required by subsection (g) of this section, withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to section 25-4-137. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any

county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage.

(i) Contribution rate, etc., of successor employer.—For the purpose of this section, an employer's benefit wages and that part of his taxable payroll with respect to which contributions have been paid, shall be deemed benefit wages and taxable payrolls of a successor employer and shall be taken into account in determining the contribution rate of such successor employer as provided in subsection (f) of this section, if such successor succeeds the employer in any of the manners set out in paragraph (a) (4) a of section 25-4-8; provided, that an employer subject to this chapter who becomes such in any of the manners set out in paragraph (a) (4) b of section 25-4-8 may have that portion of his predecessor's benefit wages and that part of his predecessor's total taxable payroll, with respect to which contributions have been paid which correspond to the segregable portion of the business assets and payroll thereof, acquired from his predecessor, deemed to be his benefit wages and his payroll and such shall be taken into account in determining his rates, as provided in subsection (f) of this section; provided, that he:

(1) makes written application within 90 calendar days from the date of such acquisition; and

(2) furnishes to the director within 120 calendar days from the date of such acquisition a transcript of such total and taxable payrolls which correspond to the segregable portion acquired from his predecessor; provided further that in the event that within the intervening 120 days a notice of his rate of contribution has been mailed to the partial successor, the 30-day finality provision set forth subsection (h) of this section shall not prevail but, instead, be effective with respect to the subsequent notice computed on the bases of the benefit wages and taxable payrolls of the acquired segregable portion."

Section 7. Section 25-4-70, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-70. Accrual; time and manner of payment.

(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through unemployment offices or such other agencies at such times and in such manner as the director may prescribe.

(b) Benefits based on service in employment defined in subdivisions (a)(2) and (a)(3) of section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that:

(1) With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid based on service in an instructional, research, or principal administrative capacity for any educational institution for any such week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform

services in any such capacity for any educational institution in the second of such academic years or terms.

(2) With respect to any week of unemployment beginning after April 3, 1983, benefits shall not be paid on the basis of service in any other capacity for an educational institution, ~~other than an institution of higher education as defined in subsection (c) of section 25-4-10,~~ to any individual for any such week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years of terms:, except that if compensation is denied to any individual under this subdivision (2) for weeks of unemployment beginning on or after April 3, 1983 and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subdivision (2); provided further that such individual has given notice that the opportunity to return was not offered or was withdrawn to the director in such manner and within such time as the director by regulation shall prescribe.

(3) With respect to weeks of unemployment beginning before April 3, 1983, benefits shall be paid on the basis of this section prior to that date.

~~(3)~~ (4) For the purposes of subdivision (1) of this subsection, the term "reasonable assurance" means a written, verbal or implied agreement that the employee will perform services during the ensuing academic year or term and the term "contract" is intended to include tenure status."

Section 8. Section 25-4-72, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-72. Individual weekly benefit amount.

(a) For weeks of unemployment during benefit years which begin before the effective date of subsection (b) of this section, an individual's weekly benefit amount shall be as prescribed by this section as amended through May 1975.

(b) For weeks of unemployment during benefit years beginning on or after the first Sunday of the first calendar quarter which begins not less than 90 days following the effective date of this act, ~~An~~ an individual's weekly benefit amount shall be an amount equal to one twenty-fourth of the total wages for insured work paid to him during that quarter of his base period in which such total wages were the highest; except, that:

(1) If the amount thus derived is not a multiple of $1.00, fractional parts of $1.00 ~~in excess of $.50 shall be rounded to the next higher multiple of $1.00 and fractional parts of $1.00 which are $.50 or less~~ shall be dropped to the next lower multiple of $1.00.

(2) If the amount derived before the application of subdivision (1) of this subsection (b) is not in excess of ~~$14.50~~ $21.99, there shall be no weekly benefit amount.

(3) If the amount thus derived is more than ~~$89.50~~ $119.99, the weekly benefit amount ~~for weeks of unemployment beginning on and after May 4, 1975~~, shall be ~~$90.00~~. $120.00.

~~(4) For weeks of unemployment beginning prior to May 4, 1975, the~~

~~weekly benefit amount shall be as prescribed by this section as amended through September 1973.~~

~~(5)~~ (c) If, as a condition for approval of this section for full tax credit against the tax imposed by the Federal Unemployment Tax Act, federal law should require a greater maximum weekly benefit amount than that provided herein, then the maximum weekly benefit amount shall be the minimum required by any such federal law for such approval.

~~(6)~~ (d) Nothing herein shall serve to deprive any individual of any benefit for which he had qualified in any benefit year beginning prior to ~~May 4, 1975.~~ the effective date of the provisions of subsection (b) of this section."

Section 9. Section 25-4-73, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-73. Individual weekly benefit payment.

(a) Each eligible individual who is totally unemployed or partially unemployed in any week beginning on or after July 3, 1983 shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount, less that part of the wages, if any, payable to him with respect to such week which is in excess of ~~$6.00~~ $15.00. Such benefit, if not a multiple of $1.00, shall be computed to the ~~nearest~~ next lower multiple of $1.00.

(b) With respect to weeks beginning prior to July 3, 1983, each eligible individual shall be paid with respect to such week as was provided in this section prior to such date."

Section 10. Section 25-4-74, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-74. Maximum individual benefit entitlement during benefit year.

(a) Any otherwise eligible individual shall be entitled during any benefit year, beginning on or after July 3, 1983, to a total amount of benefits equal to whichever is the lesser of 26 times his weekly benefit amount and one third of the wages paid to him for insured work during his base period; provided, that such total amounts of benefits, if not a multiple of $1.00, shall be computed to the ~~nearest~~ next lower multiple of $1.00. For the purpose of this article, wages shall be counted as "wages for insured work" with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year; except, that any lump sum payment of wages in lieu of notice, dismissal or severance allowance or "back pay" award shall be prorated over the period or periods with respect to which such payment is made and treated as though it had been paid in such period or periods. In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall, to the extent that regulations promulgated by the director prescribe, be deemed to be "wages paid" to such individual.

~~(b) With respect to weeks of unemployment beginning on or after January 1, 1978, "wages for insured work" shall include wages paid for previously uncovered services. For the purposes of this subsection, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Act of 1974 was paid on the basis of such services, the term "previously uncovered services" means services:~~

~~(1) which were not employment as defined in section 25-4-10 and were~~

~~not services covered pursuant to section 25-4-131 of this chapter at any time during the one year period ending December 31, 1975; or~~

~~(2) Which:~~

~~a. Are agricultural labor, as defined in paragraph a. of subdivision (4) of subsection (a) of section 25-4-10, or domestic service, as defined in paragraph b. of subdivision (4) of subsection (a) of section 25-4-10; or~~

~~b. Are services performed by an employee of this state, or a political subdivision thereof, as provided in paragraph b. subdivision (2) of subsection (a) of section 25-4-10, or by an employee of a non-profit educational institution which is not an institution of higher education, as provided in subdivision (3) of subsection (a) of section 25-4-10, but only if such institution was not subject to this chapter prior to January 1, 1978.~~

~~c. For the purpose of subdivision (4) of subsection (a) and subsection (b) of section 25-4-51, and the experience rating provisions of section 25-4-54 no charges shall be made to the reimbursing account or to the experience rating account of any previously uncovered employer with respect to any benefits paid under the provisions of paragraph b. of this subdivision which are based upon previously uncovered base period wages to the extent that the fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566 or are otherwise reimbursed by the Federal Government.~~

~~It is provided further that no charges shall be made to the reimbursing account or to the experience rating account of any previously covered employer as the result of payments made upon previously covered wages provided that without the inclusion of such previously uncovered wages the previously covered wages alone would not have been sufficient to qualify the individual for benefits as provided in section 25-4-72 and in this section. Nothing herein, however, shall preclude the use of the benefit costs attributable to wages paid by any previously uncovered employer to be used in computing the average quarterly benefit costs as provided in subsection (b) of section 25-4-51.~~"

(b) For benefit years beginning prior to July 3, 1983, any otherwise eligible individual shall be entitled to a total amount of benefits as was provided in this section prior to such date."

Section 11. Section 25-4-77, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-77. Benefit eligibility conditions.

(a.) An unemployed individual shall be eligible to receive benefits with respect to any week which begins on or after July 3, 1983, only if the director finds that:

(1) He has made a claim for benefits with respect to such week in accordance with such regulations as the director may prescribe.

(2) He has registered for work at, and thereafter continued to report at, a state employment office in accordance with such regulations as the director may prescribe; except, that the director may by regulation waive or alter either or both of the requirements of this subdivision (2) as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive, or would be inconsistent with purposes of this chapter.

(3) He is physically and mentally able to perform work of a character which he is qualified to perform by past experience or training, and he is

available for such work either at a locality at which he earned wages for insured work during his base period or at a locality where it may reasonably be expected that such work may be available. Notwithstanding any of the provisions of this subdivision (3), no otherwise eligible individual shall be denied benefits for any week because he or she is:

a. Enrolled in a course of training with the approval of the director. Such approval shall be conditioned upon the following:

1. The individual's skills are obsolete or such that there are minimal opportunities for employment;

2. Training is for an occupation for which there is a substantial and recurring demand;

3. Training is not a course of education for credit toward a degree;

4. The individual possesses aptitudes or skills which can be supplemented by retraining within a reasonable time;

5. The individual produces satisfactory evidence of continued attendance and satisfactory progress; or

b. In training approved by the director under section 236 (a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits (any other provision of this chapter requiring denial nothwithstanding) by reason of leaving work to enter such training; provided,

1. The work left is not suitable employment as defined in paragraph c of this subdivision (3), or

2. Because of the application to any such week in training of provisions in this chapter (or any applicable federal unemployment compensation law) relating to availability for work, active search for work or refusal to accept work.

c. For purposes of paragraph b of this subdivision (3), and only therefor, the term "suitable employment" means with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages for such work at not less than 80 percent of the individual's average weekly wage as determined for the purposes of the Trade Act of 1974.

(4) He has been totally or partially unemployed in such week.

(5) He has during his base period been paid more than ~~$522.00~~ $792.00 wages for insured work and in addition been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest; provided, however, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least eight times the weekly benefit amount established for such individual in the preceding benefit year.

(b) With respect to any week which begins prior to July 3, 1983, an unemployed individual shall be eligible to receive benefits as provided in this section prior to that date."

Section 12. Section 25-4-78, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-78. Disqualifications for benefits.

An individual shall be disqualified for total or partial unemployment:

(1) LABOR DISPUTE IN PLACE OF EMPLOYMENT.—For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed. For the purposes of this section only, the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

(2) VOLUNTARILY QUITTING WORK.—If he has left his most recent bona fide work voluntarily without good cause connected with such work.

a. 1. However, he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and:

(i) The individual fails to comply with same as soon as it is reasonably practicable so to do; or

(ii) Upon the expiration of a leave of absence shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.

2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

3. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during, or for, unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.

b. When an individual is disqualified under this subdivision (2):

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until;

(i) He has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10; and

(ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed:, and

(iii) He has been separated from such employment under non-disqualifying conditions.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.

3. For the purpose of the experience rating provisions of section 25-4-54, no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this subdivision (2) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

c. An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 25-4-54.

d. For the purposes of this subdivision (2) and subdivision (3) of this section, the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

(3) DISCHARGE FOR MISCONDUCT.

a. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a notice with the director alleging that the separation was under conditions described in this paragraph in such manner and within such time as the director may prescribe. When an individual is disqualified under this paragraph:

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10. , has earned wages equal at least to ten times his weekly benefit amount and has been separated from such employment for a non-disqualifying reason.

2. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

3. For the purposes of the experience rating provisions of section 25-4-54, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If, in the case of a separation prior to separation from the most recent bona fide work, the only reason disqualification under this paragraph was not assessed was the failure of the employer to properly file a timely separation report with the director, but if such employer does file such a report within 15 days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

b. If he was discharged from his most recent bona fide work for actual or threatened misconduct committed in connection with his work (other than acts mentioned in paragraph a. of this subdivision (3)) repeated after previous warning to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph b. of subdivision (2) of this section for disqualification or exemption from disqualification respectively.

c. If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in paragraphs a. and b. of this subdivision (3)):

1. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the ~~two~~ three nor more than the ~~six~~ seven next following weeks, as determined by the director in each case according to the seriousness of the conduct.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

3. Only one half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under paragraph c. of this subdivision (3), had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54.

d. If he has been suspended as a disciplinary measure connected with

his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which, or for which, he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph 2. of paragraph c. of this subdivision (3).

(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.—For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended or otherwise become lost to him for a cause other than one which would fall within the meaning of subdivision (3) of this section, but one which was within his power to control, guard against or prevent, and for each week thereafter until:

a. Said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment; or

b. He has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) and (18) of subsection (b) of section 25-4-10, whichever is the earlier.

(5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.—If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States employment service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subdivision (5).

a. In determining whether or not any work is suitable for an individual, the director shall consider

1. The degree of risk involved to his health, safety and morals, his physical fitness and prior training,

2. His experience and prior earnings,

3. His length of unemployment,

4. His prospects for securing local work in his customary occupation,

5. The distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

b. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or

other labor dispute;

2. If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

3. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

c. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subdivision (5), with respect to any week in which he is in training with the approval of the director as described in subdivision (3) of section 25-4-77.

(6) RECEIPT OF DISMISSAL OR SEPARATION ALLOWANCE, BACK PAY AWARD, ETC.—For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, a dismissal or separation allowance or back pay award. Notwithstanding the provisions of section 25-4-91 any benefits previously paid for weeks of unemployment with respect to which back pay awards are made shall constitute an overpayment and such amounts shall be deducted from the award by the employer prior to payment to the employee and shall be transmitted promptly to the director by the employer for application against the overpayment and credit to the claimant's maximum benefit amount and prompt deposit into the fund; provided, however, the removal of any charges made against the employer as a result of such previously paid benefits shall be applied to the calendar year and the calendar quarter in which the overpayment is received by the director and no attempt shall be made to relate such a credit to the period to which the award applies. Any amount of overpayment deducted by the employer shall be subject to the same procedures for collection as is provided for contributions by section 25-4-134 of this chapter.

(7) RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC.—For any week with respect to which, or a part of which, he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

(8) RECEIPT OF PENSION PAYMENT.—For any week with respect to which, or a part of which, an individual has received or has, except for the determination of an exact or specific amount, been determined eligible to receive (during a period for which benefits are being claimed) governmental or other pension, retirement or retired pay, annuity, or similar periodic payment which is based on the previous work of the individual; except, that

a. For weeks of unemployment which begin prior to April 26, 1982, as was prescribed by this subsection prior to such date, and

b. For weeks of unemployment which begin on or after April 26, 1982, the amount of any benefits payable to an individual for any such week which begins in a period with respect to which the disqualifying provisions of this subsection (h) apply, shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment, which is reasonably attributable to such week, pro-

vided, however, such reduction required hereby shall apply to any pension, retirement or retired pay, annuity, or other similar payment only if—

1. such payment is made under a plan maintained (or contributed to) by a base period employer, and

2. in the case of such a payment not made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), services performed for such employer by the individual after the beginning of his base period (or remuneration for such services) affect eligibility for or increase the amount of, such payment.

c. The other provisions of this subsection (h) to the contrary notwithstanding, the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment under the Social Security Act or the Railroad Retirement Act shall, prior to the deduction of such payment from any benefits due for such week, be reduced by 50 percent.

d. If in accordance with this subdivision (8) any individual is awarded pension payments retroactively covering the same period for which the individual received benefits, the retroactive payments shall constitute cause for disqualification and any benefits paid during such period shall be recovered.

(9) RECEIPT OF OR APPLICATION FOR WORKMEN'S COMPENSATION.—For any week with respect to which, or a part of which, he has received or is seeking compensation for temporary disability under any workmen's compensation law; provided, that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.—For any week that such individual is engaged or employed by the works progress administration, the national youth administration or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment or work relief.

(11) SELF-EMPLOYMENT. For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.—For any week with respect to which, or a part of which, an individual who is enrolled in a course of training with the approval of the director, within the meaning of subdivision (3) of section 25-4-77, has applied for, or is entitled to receive, any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided, that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration. It is further provided that receipt of training allowances under the Trade Readjustment Act shall not be cause for disqualification under this subdivision.

(13) PARTICIPATION IN PROFESSIONAL SPORTS.—For any

week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(14) ALIENS.

a. For any week for which benefits claimed are on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 13. Section 25-4-91, Code of Alabama 1975, as last amended is hereby amended to read:

"§ 25-4-91. Determinations and redeterminations upon claims for benefits.—

(a) Determination by examiner.-A determination upon a claim filed pursuant to section 25-4-90 shall be made promptly by an examiner designated by the director, and shall include a statement as to whether and in what amount a claimant is entitled to benefits and, in the event of denial, shall state the reasons therefor; except that, where he deems additional evidence to be needed, the examiner may refer such claim or any question involved therein to an appeals tribunal who shall make this decision with respect thereto in accordance with the proceeding prescribed in section 25-4-93. A determination with respect to the first week of a benefit year shall also include a statement as to whether the claimant has been paid the wages specified under subdivision (5) of section 25-4-77 and if so, the first day of the benefit year, his weekly benefit amount, and the maximum total amount of benefits payable to him with respect to a benefit year.

~~(b) - -Redeterminations by director.~~

~~(1) - -The director may consider any determination which has not become final as provided in subsection (e) of this section and may issue a redetermination which shall be deemed to be the decision of the examiner. The director may reconsider a determination which has become final whenever he finds that an error in wages, computation or identity has occurred in connection therewith, or that the amount of benefits was fixed on the basis of misrepresentations of fact, and may issue a redetermination which shall be deemed to be the decision of the examiner. No such redetermination shall be made after the expiration of the benefit year within which the claim was filed. Notice of any such redetermination shall be promptly given to the~~

~~parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. If the amount of benefits is increased upon such redetermination an appeal therefrom solely with respect to the matters involved in such increase may be filed in the manner and subject to the limitations provided in section 25-4-93. If the amount of benefits is decreased upon such redetermination, the matters involved in such decrease shall be subject to review in connection with an appeal by claimant from any redetermination upon a subsequent claim for benefits which may be affected in amount or duration by such redetermination. Subject to the same limitations and for the same reasons, the director may reconsider a determination in any case in which the final decision has been rendered by an appeals tribunal, the board of appeals or a court, and may apply to the body or court which rendered such final decision for a rehearing thereon.~~

~~(2) In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.~~

~~(c)~~ (b) Redeterminations and reconsiderations.

(1) The director may reconsider any determination which has not become final as provided in subsection ~~(c)~~ (d) of this section and may issue a redetermination. The director may reconsider a determination which as become final whenever he finds that an error or omission in base period wages, computation of benefits or identity of the claimant or the employer for whom the claimant worked during the base period of his claim has occurred in connection therewith and may issue a redetermination. No such redetermination shall be made after the expiration of the benefit year within which the claim was filed; except, that the director may, within one year after the end of such benefit year, reconsider any determination which has become final and issue a redetermination upon a finding that the determination has based on false statements or misrepresentation of material facts, whether or not intentional. Notice of any such redetermination shall be promptly given to the parties entitled to notice of the original determination in the manner prescribed in this section with respect to notice of an original determination. Such redetermination shall be subject to review upon appeal in the same manner and under the same conditions as original determinations. Except when the director has written documentation that an interested party has made false statements or a misrepresentation of material facts or such party admits to such in writing or waives his right to a hearing, no redetermination shall be effectuated so as to interrupt the benefit status of a claimant until after the determination has become final.

(2) An appeal tribunal or the board of appeals may reconsider any decision which has not become final as provided by sections 25-4-92 and 25-4-94 and may issue an amended decision. An appeals tribunal or the Board of Appeals may, within one year after the end of the benefit year, reconsider any decision which has become final and issue an amended decision upon a finding that the decision was based on false statements or misrepresentation of material facts, whether or not intentional and the Director may petition the body which issued the decision for a rehearing and amended decision.

(3) In the event that an appeal involving an original determination is pending as of the date a redetermination thereof is issued, such appeal, unless withdrawn, shall be treated as an appeal from such redetermination.

~~(d)~~ (c) Notice of determination and notice of payment.

(1) Notice of determination or decision upon a claim shall be promptly given to the claimant and the claimant's last employing unit by delivery thereof or by mailing such notices to their last known addresses.

(2) Notice of payment will be promptly given to every employer in the claimant's base period who is not entitled to a notice of determination when the claimant has been paid an amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment (or the number weeks as is required for the determination of employee's benefit wages set out in subdivision (1) of subsection 25-4-54 (b)) by delivery thereof or by mailing such notice to their last known addresses.

(e) (d) Finality of determinations and notice of payment.

(1) Unless any party to whom notice of determination is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, file an appeal from such decision, such decision shall be deemed final.

a. If an appeal is duly filed, any disputed benefits which may have been paid at any time prior to the final decision, which would not have been payable under the terms of the final decision, shall be determined to be an overpayment and the claimant shall be required to repay to the fund any such benefits, and the director shall have the authority to enforce collections of overpayments as is contained in Section 25-4-145.

b. If an appeal is duly filed by an interested employer, wages in the base period paid by that employer shall not be determined to be employee's or employer's benefit wages for the purpose of the experience rating provisions of section 25-4-54 until the decision on such appeal becomes final and in event the final decision allows benefits the charge to the employer's experience rating record will be made in the calendar quarter in which such decision becomes final.

(2) Unless any party to whom notice of payment is required to be given shall, within seven calendar days after delivery of such notice or within 15 calendar days after such notice was mailed to his last known address, request the director to review the decision determining wages to be benefit wages, such decision shall become final. If the final decision provides for the removal of benefit wages, such a credit shall be applied to the calendar year and calendar quarter in which such decision becomes final and no attempt shall be made to relate the credit to the period in which the wages were previously determined to be benefit wages."

Section 14. Section 25-4-130, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-130. Duration of employer's coverage under this chapter; termination of coverage.—

(a) Except as otherwise provided in subsection (b) of this section, any employing unit which is or becomes an employer subject to this chapter within any calendar year, shall be an employer subject thereto during the whole of such calendar year.

(b) Except as otherwise provided in section 25-4-131, an employer (except governmental entities) shall cease to be an employer subject to this chapter:

(1) As of January 1 of any calendar year if he files with the director, prior to April 1 of such year, a written application for termination of cover-

age and he has not, during the preceding calendar year, met any of the conditions for remaining subject to this chapter.

(2) a. As of the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a) (4)a of section 25-4-8; provided, that he shall have ceased to employ any individual or individuals in employment subject to this chapter; provided further, however, should the disposing employer reacquire all or substantially all of the same employing unit during the same or next succeeding calendar year without the predecessor having employed individuals, thereby succeeding to the employment experience, he shall be deemed not to have ceased operation and shall have his rate of contribution computed based upon that portion of his and his successor's employment experience occurring during the period specified in section 25-4-54.

b. If, immediately subsequent to the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a) (4)a of section 25-4-8, ~~he continues to employ any individual or individuals in employment subject to this chapter~~, he shall cease to be an employer subject to this chapter as of ~~January 1, next following~~ the date of such transfer~~, provided, that he files with the director prior to April 1, next following such January 1, a written application for termination of coverage and he has not, subsequent to the date of such transfer and prior to such January 1, met any of the conditions for remaining subject to this chapter.~~ If, however, subsequent to the date of transfer, he employs or continues to employ any individual or individuals he shall again become an employer subject to this chapter when any of the provisions of section 25-4-8 are met and shall be considered an employer first becoming subject for the purposes of sections 25-4-16 and 25-4-54.

(3) As of January 1, next following two consecutive calendar years ending on the preceding December 31, during which he employed no individuals in employment subject to this chapter.

(c) Any political subdivision which has made an election may, prior to January 1, 1978, terminate said election after the two-year period called for in subsection (b) of section 25-4-131 has been completed by filing with the director written notice not later than the December 1, of any calendar year, such termination to be effective as of the first day of the next ensuing calendar year with respect to services performed on and after that date.

(d) When an employer's coverage is terminated under the provisions of this section, such employer shall not, except as otherwise provided in this section, thereafter become subject to the provisions of this chapter on the basis of any employment by such employer prior to the effective date of such termination."

Section 15. Section 25-4-145, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-145. Penalties; overpayments; limitation of actions.

(a) Penalties.

(1) Whoever willfully makes a false statement or representation or who willfully fails to disclose a material fact to obtain or increase any benefit or payment under this chapter, or under an unemployment insurance law of any other state or government, either for himself or for any other person, whether such benefit or payment is actually received or not, shall be guilty of a misdemeanor and upon such conviction shall be punished by a fine of

not less than $50.00 nor more than $500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment, and each such false statement or representation shall constitute a separate and distinct offense.

(2) Any officer or agent of employer, or any employer who is an individual, who willfully makes a false statement or representation to avoid his employer or himself becoming or remaining subject to this chapter for contributions, or to reduce any contribution or other payment required of such employer or him under this chapter, or who willfully fails or refuses to make any such contributions or other payments as lawfully required under this chapter, or who induces any employee to waive any rights under this chapter, or any officer or agent of an employing unit, or any employing unit who is an individual, who refuses to furnish any reports duly required under this chapter or to appear or testify or produce records as lawfully required hereunder shall, upon conviction, be punished by a fine of not less than $50.00 nor more than $500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment, and each such false statement or representation and each day of such failure or refusal, and each such inducement shall constitute a separate and distinct offense.

(3) If the director finds that any fraudulent misrepresentation has been made by a claimant with the object of obtaining benefits under this chapter to which he was not entitled, then, in addition to any other penalty or prosecution provided under this chapter, the director may make a determination that there shall be deducted from any benefits to which such claimant might become entitled during his present benefit year and/or next subsequent benefit year, an amount not less than four times his weekly benefit amount and not more than the maximum benefit amount payable in a benefit year, as determined under sections 25-4-72, 25-4-74 and 25-4-75, at the time the director makes the determination. The director shall notify the claimant of his findings and determination either by delivering a copy thereof to him or by mailing a copy, postage prepaid, to his last known address. Unless the claimant shall appeal from said finding or from said determination, or both, within seven calendar days after delivery of such notice to him, or within 15 calendar days after such notice was mailed to his last known address, postage prepaid, such finding and determination shall become final. If such claimant shall appeal from such finding or determination, or both, within the time specified, the issue or issues shall be referred to an appeals tribunal for hearing, as in other benefit cases, and thereafter the procedure shall be the same as set forth in article 5 of this chapter.

~~(4) Any person who, by reason of the non-disclosure or misrepresentation by him or by another of a material fact (irrespective of whether such non-disclosure was known or fraudulent), has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall be required to repay such sum in cash or by offset against future benefits payable or a combination of both. Such person shall be promptly notified of the determination and the reasons therefor. Unless such person, within 15 calendar days immediately following the date such notification was mailed to his last known address, files an appeal from such determination, such determination shall be final.~~

~~If the indebtedness is not paid by such person within 30 calendar days after the determination has become final, the director shall proceed to effect collection of the overpayment and shall have available to him all the civil actions to collect as he has been given by the provisions of subsection (b) of~~

~~section 25-4-134 applying to the collection of contributions.~~

~~(5)~~ (4) Any violation of any provisions of this chapter, for which a penalty is neither prescribed above nor provided by any other applicable statute, shall be punished by a fine of not less than $50.00 nor more than $500.00, or by imprisonment for not longer than twelve months, or by both such fine and imprisonment.

(b) Limitation of actions.-Prosecution under this section must be begun within three years from the date of the commission of the offense or offenses described herein.

(c) Collection of overpayments.

Any individual who has received any sum as benefits or payments under this chapter while any condition for the receipt of benefits or payment imposed by this chapter were not fulfilled by such person, or while he was disqualified from receipt of benefits; or by reason of non-disclosure or misrepresentation by him or another of a material fact (irrespective of whether such non-disclosure was known or fraudulent) or for any other reason causing him to receive benefits to which he was not entitled, shall be required to repay such sum in cash or by offset against any future benefits if payable or a combination of both.

1. Such person shall be promptly notified of the determination of overpayment and the reasons therefor. Unless such person, within 15 calendar days immediately following the date such notification was mailed to his last known address, files an appeal from such determination, such determination shall be final. Any appeal therefrom pursuant to the provisions of this chapter shall be limited solely to the overpayment issue.

2. If the indebtedness is not paid by such person within 30 calendar days after the determination has become final, the director shall proceed to effect collection of the overpayment and shall have available to him all civil actions available to him under the laws of this state to collect the overpayment as well as those provisions contained in subsection (b) of section 25-4-134 applying to the collection of contributions.

(d) Waiver of overpayment; limitations.

1. The director is hereby authorized to waive overpayments under such procedure and conditions as he may by regulation prescribe.

2. The other provisions of this section to the contrary notwithstanding, no action to enforce recovery or recoupment of any overpayment shall begin after six years from the date of the final determination as is provided for in subsection (c) of this section."

Section 16. The amendments provided by Sections 2 and 6 of this act shall have retroactive effect to January 1, 1983 unless a different date for some specific provision within such sections shall clearly specify a different date in which case the date clearly specified shall apply.

Section 17. All laws and parts of laws in conflict herewith are hereby repealed.

Section 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 19. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Rains, Reed, Rice, Sasser, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Albright offered the following amendment to the bill, H. 11 as amended:

Amend Business and Labor Committee Substitute to H.B. 11, as follows:

In Section 8, page 67.

Remove the deletions in lines 23, 24 and 25; On line 29, delete "$21.99" and insert "$21.50";

and on line 30, delete "$119.99" and insert "$119.50";

In Section 9, page 69, line 15

Remove the deletion of the word "nearest" and delete the words "next lower";

And,

In Section 10, page 70, line 16, remove the deletion of the word "nearest" and delete the words "next lower";

And,

In Section 11, page 75, line 32,

Delete "$792.00" and insert "$774.00"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A. L.),

Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Rains, Reed, Rice, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 11, as amended:

Amend the Substitute for H.B. 11 as follows:

In Section 8, page 67, line 30, delete the underlined figure $119.50 and insert in lieu thereof the underlined figure:

$109.50

Also, on page 67, line 32, delete the underlined figure $120.00 and insert in lieu thereof the underlined figure:

$110.00

AMENDMENT TABLED

On motion of Rep. Albright, the amendment offered by Rep. Brooks to the bill, H. 11 as amended, was tabled.

Yeas 71; Nays 10.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams and Wright.

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Nays:

Reps.: Brooks, Freeman, McKee, Murphy, Payne, Sasser, Scott, Seibels, Tucker and Turnham.

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And the bill:

H. 11. To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended, (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment" services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to $8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-ex

emption of wages into or from a tax deferred trust; to extend to 35 years the period during which certain moneys credited to the fund may be used for administrative purposes; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limited to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain conditions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under certain conditions; to provide for an increase in weekly benefit amount to $120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to $22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments, waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 4.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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Nays: Reps.: Brooks, Grouby, Lewis and McKee. —4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 59. COMMENDING MR. PHILLIP L. PARKER OF DECATUR, ALABAMA, WINNER OF THE FIRST "BIRMINGHAM 50 MILES."

Also:

H. J. R. 60. MOURNING THE DEATH OF MR. JERRY RAY KIMBRELL OF WALKER COUNTY, ALABAMA.

Also:

H. J. R. 61. COMMENDING MR. CHARLES B. CRUTCHFIELD, PROMINENT WALKER COUNTY BUSINESSMAN.

Also:

H. J. R. 62. MOURNING THE DEATH OF MR. MILLARD FILLMORE DAILEY, JR., OF BRENT, ALABAMA.

Also:

H. J. R. 65. COMMEMORATING THE INCORPORATION OF PHENIX CITY, ALABAMA, FEBRUARY 23, 1883.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 33. (With Substitute): To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits in the event the Trust Fund becomes insolvent; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution when appropriate.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Business and Labor, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other contributions required to be paid by the provisions of Section 25-4-51 and 25-4-54 of the 1975 Code of Alabama as last amended, when the Unemployment Compensation Trust Fund of this state is utilizing monies advanced by the federal government under the provisions of 42 USC 1321, each employer shall be assessed an additional rate solely for the purpose of paying interest due on such federal advances.

The additional rate assessed to any employer shall be determined by dividing the estimated amount of interest to be paid on such advanced monies by ninety-five (95%) percent of the total taxable wages paid by all Alabama employers during the immediately preceding calendar year. The amount to be paid by each employer shall be the product obtained by multiplying such employer's total taxable wages for the calendar year immediately preceding the calendar year during which the utilization of advances became necessary by the rate as heretofore determined by provisions of this Section. Each employer shall be notified of the amount of his or its assessment as required by this section not later than the 30th day of June next following. Such amount shall be due and payable within 30 days of said notice and shall become delinquent on the day following such 30 days. Interest and penalties prescribed by the provisions of Sections 25-4-132 and 25-4-133 of the Code of Alabama 1975, as last amended, shall be applied to late payments to the same extent and at the same rates as is provided for delinquent contributions. Procedures for enforcing payment of amounts due including interest and penalty, by any employer shall be as prescribed by Section 25-4-134 of the 1975 Code of Alabama as last amended. Nothing contained herein shall prevent the director of industrial relations from postponing the implementation of this section 1 for one calendar year provided such postponement shall not delay collection later than required to repay accumulated interest when it becomes due to be paid nor shall it prevent him from making any further assessment if additional advances are made and/or additional interest becomes due, however, no assessment shall be made after the provisions of section 3 of this act have been fulfilled.

Section 2. There is hereby created in the state treasury a special fund, to be known as the "Special Federal Advance Interest Repayment Fund," into which shall be deposited all monies collected under the provisions of Section 1 of this Act. All monies in the Special Federal Advance Interest Repayment Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Monies in this fund may be used by the director for the payment of interest on monies advanced by the federal government, shall be continuously available to the director for expenditures in accordance with the provisions of this Act and appropriate federal laws and shall not lapse at any time. Any interest earned by the state treasurer on monies in this special fund shall accrue to the special fund.

Section 3. Payment of any assessment as provided under Section 1 of this Act shall be discontinued for the calendar year next following the calendar year during which all interest due to be paid on all advances has been paid and there are no further advances upon which interest will accumulate.

Section 4. When payment of assessments have been discontinued under the provisions of Section 3 of this Act, and all obligations of the director for interest on advances have been met all remaining monies in the Special Federal Advance Interest Repayment Fund shall be transferred to the state's Unemployment Trust Fund Account and may thereafter be expended only in such manner and for such purposes as other monies in the Fund may be expended.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. Any provisions of this Act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other

provisions or applications of the Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are severable.

Section 7. This Act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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And the bill:

H. 33. To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint

Resolutions and returns same herewith to the House:

H. J. R. 54. COMMENDING AUSTIN HIGH SCHOOL'S COACH JOE JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 70. COMMENDING THE MOBILE PRESS REGISTER NEWSPAPER FOR RUNNING FREE ADS TO ASSIST THE UNEMPLOYED.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Covington, Foshee, Aldridge, Keener, Bishop, Bedford, and Kirkland:

S. 2. Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

Also:

By Senator Hilliard:

S. 29. To amend Section 32-5-171, Code of Alabama, 1975, by inserting the words "Section 32-5A-191" in lieu of "Section 32-5-170" where the same appears in said section.

Also:

By Senator Teague:

S. 33. To create the position of assistant director of the department of aeronautics; to provide for his appointment, duties and salary.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 2. State Administration.

S. 29. Judiciary.

S. 33. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 27. MOURNING THE DEATH OF MR. WILLIAM DEXTER MAY OF WINFIELD, ALABAMA.

Also:

By Senators Kirkland and Little:

S. J. R. 28. COMMENDING AUBURN UNIVERSITY'S DOWE AUGHTMAN, ASSOCIATED PRESS ALL-SOUTHEASTERN CONFERENCE DESIGNEE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Ford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 27, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 28, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 25. URGING PRIORITY HIRING OF ALABAMIANS FOR JOB AVAILABILITIES WITHIN THE GAS AND OIL INDUSTRY AND RELATED FIELDS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry the House adopted the Senate amendment to the resolution, H. J. R. 25, said amendment being as follows:

WHEREAS, although large deposits of gas and oil have been made throughout the State of Alabama, and

WHEREAS, regardless, the unemployment rate of the State remains second highest in the nation; and

WHEREAS, numerous jobs, services, and products are used by the Oil and Gas Industry operating presently, and a new field of services is now opening up with drilling in the waters of the State; and

WHEREAS, with the Oil and Gas Industry requiring various trades, services, and products now available in the State, we are aware that many Alabamians with oil field related skills are now employed out of state and country, and, that the special type of oil field equipment, products, and services required by the oil industry can be made available to them by Alabamians who wish to do business with the Alabama oil industry. Therefore, we charge you to recruit, obtain, and be able to offer to the oil industry of Alabama these special needs; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the citizens of the State of Alabama wishing to offer the sale of their services and products to the oil and gas industry operating in the State of Alabama and its adjacent waters to strive

further to fulfill the needs of the oil and gas industry of Alabama with Alabamian offered services, products, skills, etc.

Since upon the forming of the Oil and Gas Industry Services Association, Inc., on January 12, 1983, liaison between the members of the association and the oil and gas industry has greatly improved and with the publication of the OIL AND GAS INDUSTRY DIRECTORY, listing the names of people and companies of Alabama, wishing to supply the oil and gas industry with their particular type of service, skills, and products, we wish to assist and promote any other such efforts to make available to the oil and gas industry their needs through Alabama companies or groups.

BE IT FURTHER RESOLVED, That the Clerk of the House be and hereby is instructed to deliver to all gas, oil, drilling and other companies a copy of this resolution so that they may comply with the wishes of the Senate and House of the State Legislature.

And on motion of Rep. Penry, the resolution:

H. J. R. 25. That the citizens of the State of Alabama wishing to offer the sale of their services and products to the oil and gas industry operating in the State of Alabama and its adjacent waters to strive further to fulfill the needs of the oil and gas industry of Alabama with Alabamian offered services, products and skills.

as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Barron:

S. J. R. 18. CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

By Senator Holmes:

S. J. R. 21. MOURNING THE DEATH OF MR. BOYD VAUGHAN OF THE SAKS COMMUNITY OF CALHOUN COUNTY, ALABAMA.

Also:

By Senator Smith (J):

S. J. R. 20. COMMENDING JUDGE MYRTLE GREEN OF HUNTSVILLE, ALABAMA.

Also:

By Senators Cooley, Mitchem, Denton, Barron, Smith (J), Aldridge, and Bedford:

S. J. R. 22. REQUESTING THE TENNESSEE VALLEY AUTHORITY TO PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Richardson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 21 and S. J. R. 20, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 22, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators: Little, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Menton, Mitchell, Mitchem, Parsons, Proctor, Robertson, Smith (B), Smith (J), and Teague:

S. J. R. 25. MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

WHEREAS, the Legislature of Alabama grievously notes the death of Doctor Juliet Nunn Pearson of Birmingham, Alabama, on February 5, 1983; and

WHEREAS, Doctor Pearson, who was the beloved wife of our friend and colleague, Senator J. Richmond Pearson, also is survived by their two daughters, Janine Richet and Julene Ranicea; and

WHEREAS, Doctor Pearson, at the time of her death and since 1980, was associated with the University of Alabama-Birmingham as Project Director of the Biomedical Sciences Program, University of Alabama-Birmingham Special Studies, School of Community and Allied Health; she also served as affirmative action officer for the University Special Studies, and as Coordinator of the Black Studies Series for Special Studies; and

WHEREAS, the Biomedical Sciences Program was designed to support a unique project to deal with the national problems of underutilization of potentially talented, disadvantaged youths in the scientific and medical community of the country; UAB's project, so astutely directed by Dr. Pearson, provides support for 100 Birmingham students, their parents, guidance counsellors and teachers in introducing and motivating interest in and preparation for careers in biomedical sciences; and

WHEREAS, eminently qualified for the leadership she provided at UAB, Doctor Pearson was a graduate of Miles College, Michigan University and the University of Alabama where she respectively earned B.A., M.A. and Ed.D. Degrees; she was a Birmingham native and a former public school educator for some 25 years with the Jefferson County Board of Education; and

WHEREAS, Doctor Pearson's numerous professional and community

involvements extended to include the Alabama, National and Jefferson County Education Associations, the American Teachers Association, South Tittusville Civic League, South Tittusville Citizens Participation Committee, and the Thirgood C.M.E. Church which she faithfully served in such capacities as member of the Steward Board, Chairperson of the Scholarship Fund, Member of the Board of Christian Education and as Instructor of Prayer Ministry; and

WHEREAS, she additionally served her community as a member of the Positive Maturity Board of Directors, on the South Elyton Civic League Board and in involvement with the Birmingham Children's Theatre; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Doctor Juliet Nunn Pearson, sharing our grief with the Birmingham Community, and with her family, so dear to her heart, and for whom copies of this resolution shall be provided.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 25, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole and Figures:

S. J. R. 34. COMMENDING THE RENOWNED EXCELSIOR BAND OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 34, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Davis:

H. R. 71. COMMENDING MRS. JO JONES OF BIRMINGHAM, ALABAMA.

MOTION TO ADJOURN LOST

The motion offered by Rep. Harvey that the House adjourn until 10:00 o'clock a.m., Thursday, February 17, 1983, was lost.

Yeas 38; Nays 47.

Yeas:

Reps.: Adams, Biddle, Butler, Campbell, Carothers, Carter, Cosby, Escott, Freeman, Gaston, Hammett, Harper, Harvey, Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Nicholson, Payne, Penry, Rains, Rice, Sasser, Seibels, Starkey, Starr, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—38

Nays:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Dutton, Ford, Grimsley, Grouby, Hall, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Moore, Murphy, Newman, Owens, Parker, Poole, Reed, Richardson, Scott, Smith, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—47

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 18. To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

McDOWELL LEE,
Secretary.

PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Crow and Browder voting "Yea" on the bills, H. 11 and H. 33, had they been in the Chamber at the time of voting.

SPECIAL ORDER RESUMED

And the bill:

H. 22. To make a continuing appropriation to the State Comptroller from the Fair Trial Tax Fund for the cost of administration of that fund.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Manley to indefinitely postpone the bill,

H. 22, was lost.

Yeas 40; Nays 50.

Yeas:

Reps.: Blakeney, Boles, Box, Brooks, Bryant, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Gaston, Harper, Hettinger, Howard, Johnson (A. L.), Kvalheim, Langford, McMillan, Manley, Minus, Murphy, Penry, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Stout, Thornton, Tucker, Turner, Turnham, White (L), Williams, Wilson, Wright and Zoghby.

—40

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Holley, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Payne, Poole, Reed, Rogers, Smith, Trammell, Venable, Waggoner, Warren and White (F).

—50

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 22:

Amend House Bill # 22 by deleting Section # 1 in its entirety and substituting the following:

Section 1. There is hereby appropriated from all funds collected in the Comptrollers Office to the Fair Trial Tax Fund the sum of $50,000.00 per year annually off the top of the fund during any year the General Fund is in proration.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the amendment offered by Rep. Manley to the bill, H. 22, was lost.

Yeas 44; Nays 47.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Bowling, Brakefield, Browder, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Dutton, Faulk, Ford, Goodwin, Holley, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, Martin, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Reed, Rogers, Smith, Trammell, Waggoner, Warren and White (F).

—44

Nays:

Reps.: Boles, Box, Brooks, Bryant, Campbell, Carothers, Clikas, Coleman, Cosby, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Howard, Johnson (A. L.), Kvalheim, Langford, McKee, McMillan, Manley, Mathis, Minus, Murphy, Penry, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thornton, Tucker, Turner,

Turnham, Venable, White (L), Williams, Wilson, Wright and Zoghby.

—47

H. 22 TEMPORARILY POSTPONED

On motion of Rep. Holley, the bill, H. 22 with pending amendment was temporarily postponed.

And the bill:

H. 23. (With Amendment): Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 23 on page 2, line 7 by striking the words and punctuation after the word "located" and inserting in lieu thereof the punctuation".".

Further amend the bill on page 2 by striking lines 8 through 13.

And the amendment was adopted.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—100

And the bill, H. 23, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.). Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Reed,

Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

Nays: Reps.: Box and Starkey.

And the bill:

H.25. (With Substitute): To amend Act No. ___, First Special Session 1983 to correct the time of prepayment of debt service from fifteen business days to fifteen calendar days and to increase the number of banks which service debt payments from two to three.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-17-8 of the Code of Alabama 1975 as amended by Act 83-78 relating to the procedures for the State Treasurer in paying principal and interest on bonded indebtedness by a fiscal agent and more specifically to alter Section 1(c) dealing with the number of fiscal agents so as to make this subsection conform to other sections of the code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-17-8 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) Not less than fifteen nor more than thirty days before the due date of principal and interest on each of the respective issues of bonded indebtedness, the treasurer must certify to the comptroller the amount of money needed to pay the principal and interest falling due on that date, and for any expenses necessarily incurred by the fiscal agent in the discharge of its duties. The comptroller shall draw his warrant on the treasury in favor of the treasurer for such amount to be paid out of any fund appropriated for the payment of principal and interest and expenses.

"(b) not more than 15 business days before the actual due date of principal and interest, the treasurer shall remit to the fiscal agent, by wire transfer or draft, the total amount of principal, interest, and expenses of the fiscal agent, due on said bond."

"(c) for the purpose of paying principal and interest on any issues of funded indebtedness, the treasurer with the written consent of the Governor, ~~shall~~ may designate ~~no more than~~ at least two banks, one or more within the State of Alabama and, ~~if necessary one which may be from outside the State of Alabama.~~" one or more within the City of New York."

"(d) In the event that any issues of bonded indebtedness existing, prior to the date of enactment of this section, provide by the terms of the issue an alternate means of paying principal and interest, including but not limited to the establishment of a sinking fund or advance payment, then such payment shall be made in accordance with the terms of such bond

indenture.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

And the substitute was adopted.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—99

And the bill:

H. 25. To amend Section 36-17-8 of the Code of Alabama 1975 as amended by Act 83-78 relating to the procedures for the State Treasurer in paying principal and interest on bonded indebtedness by a fiscal agent and more specifically to alter Section 1(c) dealing with the number of fiscal agents so as to make this subsection conform to other sections of the code.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—99

H. 12 POSTPONED

On motion of Rep. Smith, the bill H.12, was postponed to the sixth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Rep. Turnham that the House adjourn until 10:00 o'clock a.m., Thursday, February 17, 1983, was lost.

Yeas 43; Nays 49.

Yeas:

Reps.: Adams, Brooks, Butler, Campbell, Carothers, Carter, Cosby, Freeman, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Murphy, Newman, Nicholson, Payne, Penry, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Tucker, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—43

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Grimsley, Hall, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Melton, Nevett, Owens, Parker, Poole, Preuitt, Reed, Rogers, Smith, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—49

SPECIAL ORDER RESUMED

And the bill:

H. 8. To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bennett offered the following substitute to the bill, H. 8:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-22-6, Code of Alabama, 1975, is hereby amended to read as follows:

"16-22-6. Each local board of education and Postsecondary Institution shall adopt policies or regulations which will provide for deductions from salaries of its employees or groups of employees whenever a request is presented to the board or Postsecondary Institution by said employees or groups thereof. Such deductions shall be made from salaries earned in at least ~~six~~ nine (9) different pay periods and shall be remitted to the appropriate company, association or organization as specified by the employees within ten (10) days following each deduction. The deductions may be made for, but not limited to, tax sheltered annuities, the Public Employees' Individual Retirement Account Fund, membership dues, voluntary contributions, and group insurance premiums. Deductions for membership dues and voluntary contributions shall be made based upon membership lists and forms provided by the employees' organization. Such lists are to be corrected, updated, and returned to the employees' designated organization(s) not later than November 10 of each school year. The 1982-83 membership dues and voluntary contribution authorized, with appropriate yearly adjustments, shall be deducted for each succeeding year unless the employee revokes the deductions in writing on or before September 15 of that year. New authorizations shall be permitted to be added at least twice per year. Upon termination, amounts owed under the authorization of the employee shall be deducted from employee's final pay due. With the exception of membership dues, and voluntary contributions, the board or Postsecondary Institution shall not be required to make more than one remittance, of amounts deducted during a pay period, for a separate type of deduction. Health insurance, life insurance and tax sheltered annuities shall be interpreted as separate types of deductions. When amounts have been correctly deducted and remitted by the board or Postsecondary Institution, said board or Postsecondary Institution shall bear no further responsibility or liability for subsequent transactions." No Board or Postsecondary Institution shall be liable for any error when acting in good faith under the provisions of this Act.

Section 2. This Act as it relates to Postsecondary Institutions shall be limited to the largest teacher organization's due and voluntary contributions.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except in Postsecondary Institutions which are not deducting at the time of this Act becoming law. Such Institutions shall be covered effective October 1, 1983.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk,

Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Layton, McKee, McMillan, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Rogers, Scott, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F), Williams and Wilson.

—72

Nays:

Reps.: Cosby, Kvalheim, Nicholson, Richardson, Starr, White (L) and Wright.

—7

MOTION TO POSTPONE TABLED

On motion of Rep. Bennett, the motion offered by Rep. Turnham to postpone further consideration of the bill, H. 8 as amended, to the seventh legislative day, was tabled.

Yeas 59; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Campbell, Casey, Coburn, Crow, Davis, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Scott, Smith, Starkey, Stout, Trammell, Turner, Warren, White (F) and Williams.

—59

Nays:

Reps.: Adams, Blakeney, Browder, Butler, Carothers, Carter, Clark, Cosby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Seibels, Starr, Thomas, Thornton, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—30

MOTION TO ADJOURN LOST

The motion offered by Rep. Turnham that the House adjourn until 10:00 o'clock a.m., Thursday, February 17, 1983, was lost.

Yeas 39; Nays 54.

Yeas:

Reps.: Adams, Butler, Campbell, Carothers, Carter, Cosby, Flowers, Freeman, Hammett, Harper, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Tucker, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—39

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box,

Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Gaston, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Melton, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—54

H. 8 RESUMED

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #1 to the bill, H. 8 as amended:

On page 2, lines 9 and 10, insert a period after the word "writing" on line 9 and then delete the words "on or before September 15 of that year." on lines 9 and 10 and insert in lieu thereof:

Said employee may revoke the deduction at any time.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #1 offered by Rep. Brooks to the bill, H. 8 as amended, was tabled.

Yeas 50; Nays 38.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Brakefield, Browder, Bryant, Buskey, Casey, Crow, Davis, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rogers, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—50

Nays:

Reps.: Adams, Blakeney, Bowling, Box, Brooks, Butler, Campbell, Carothers, Carter, Cosby, Flowers, Freeman, Grouby, Hammett, Harper, Johnson (A. L.), Kvalheim, Lewis, McKee, McMillan, Minus, Mitchell, Murphy, Nicholson, Payne, Penry, Rains, Rice, Richardson, Scott, Seibels, Starr, Turnham, Venable, Waggoner, White, (L), Wright and Zoghby.

—38

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 25. URGING THE CITIZENS OF THE STATE OF ALABAMA WISHING TO OFFER THE SALE OF THEIR SERVICES AND PRODUCTS TO THE OIL AND GAS INDUSTRY OPERATING IN THE STATE OF ALABAMA AND ITS ADJACENT WATERS TO STRIVE FURTHER TO FULFILL THE NEEDS OF THE OIL AND GAS INDUS-

TRY OF ALABAMA WITH ALABAMIAN OFFERED SERVICES, PRODUCTS, SKILLS, ETC.

Also:

H. J. R. 54. COMMENDING AUSTIN HIGH SCHOOL'S COACH JOE JONES FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 59. COMMENDING MR. PHILLIP L. PARKER OF DECATUR, ALABAMA, WINNER OF THE FIRST "BIRMINGHAM 50 MILES."

Also:

H. J. R. 60. MOURNING THE DEATH OF MR. JERRY RAY KIMBRELL OF WALKER COUNTY, ALABAMA.

Also:

H. J. R. 61. COMMENDING MR. CHARLES B. CRUTCHFIELD, PROMINENT WALKER COUNTY BUSINESSMAN.

Also:

H. J. R. 62. MOURNING THE DEATH OF MR. MILLARD FILLMORE DAILEY, JR., OF BRENT, ALABAMA.

Also:

H. J. R. 65. COMMEMORATING THE INCORPORATION OF PHENIX CITY, ALABAMA, FEBRUARY 23, 1883.

Also:

H. J. R. 70. COMMENDING THE MOBILE PRESS REGISTER NEWSPAPER FOR RUNNING FREE ADS TO ASSIST THE UNEMPLOYED.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 8 RESUMED

AMENDMENT OFFERED

Rep. Brooks offered the following amendment #2 to the bill, H. 8 as amended:

On page 2, line 21, after the period, insert the following language:

Provided, however, no money may be deducted or collected for use by any organization which contributes directly or indirectly to any political party, any candidate for public office, any political action committee or any other similar group or organization.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #2 offered by Rep. Brooks to the bill, H. 8 as amended, was tabled.

Yeas 55; Nays 32.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coleman, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—55

Nays:

Reps.: Adams, Blakeney, Bowling, Brooks, Butler, Carothers, Carter, Cosby, Freeman, Grouby, Kvalheim, Lewis, McKee, McMillan, Mitchell, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starkey, Starr, Tucker, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—32

AMENDMENT OFFERED

Rep. Crow offered the following amendment to the bill, H. 8 as amended:

Amend House Bill No. 8, Page 2, Line 24, by striking out Section 2 and add new Section 2 to read:

This Act as it relates to postsecondary shall not apply to any four (4) year postsecondary institution.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

AMENDMENT OFFERED

Rep. Venable offered the following amendment #1 to the bill, H. 8 as amended:

Amend Substitute to H.8 by deleting wherever they may appear the words "voluntary contributions."

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #1 offered by Rep. Venable to the bill, H. 8 as amended, was tabled.

Yeas 52; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—52

Nays:

Reps.: Adams, Bowling, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starkey, Starr, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 7. Relating to the Tenth Judicial Circuit of Alabama, including the Bessemer Division thereof; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

S.18 To authorize Class I cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class I cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

McDOWELL LEE
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 8 RESUMED

AMENDMENT OFFERED

Rep. Venable offered the following amendment #2 to the bill, H. 8 as amended:

Amend Substitute to H.8 by inserting the following language at the end of Section 1:

The term "voluntary contributions" as used in this act is deemed to mean contributions to charitable, non-profit organizations and agencies, and does not include contributions to political action committees or other financial contributions to an organization to be used for political purposes.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #2 offered by Rep. Venable was tabled.

Yeas 56; Nays 29.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—56

Nays:

Reps.: Adams, Bowling, Brooks, Butler, Carothers, Cosby, Kvalheim, Lewis, McKee, McMillan, Manley, Mitchell, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Smith, Starkey, Starr, Turnham, Venable, White (L), Wright and Zoghby.

—29

AMENDMENT OFFERED

Rep. Venable offered the following amendment #3 to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language at the end of Section 1:

The term "voluntary contributions" as used in this act is deemed to mean contributions to charitable, non-profit organizations and agencies, and does not include contributions to political action committees or other financial contributions to an organization to be used for political purposes, unless otherwise provided by mutual agreement between the employing

board and employee organization.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #3 offered by Rep. Venable to the bill, H. 8, as amended, was tabled.

Yeas 60; Nays 26.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—60

Nays:

Reps.: Adams, Bowling, Brooks, Carothers, Carter, Cosby, Hammett, Kvalheim, Lewis, McKee, McMillan, Manley, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Smith, Turnham, Venable, White (L), Wright and Zoghby.

—26

AMENDMENT OFFERED

Rep. Venable offered the following amendment #4 to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language at the end of Section 1:

The employing board of education or governing board of other institutions shall be obligated to provide not more than one voluntary contribution per employee. In order for any voluntary contribution to be eligible for mandatory deduction by the employing board, at least fifty (50) percent of the board's employees shall have signed authorization cards requesting the particular deduction and authorizing said deductions from their paychecks.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #4 offered by Rep. Venable to the bill, H. 8 as amended, was tabled.

Yeas 54; Nays 34.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Bryant, Buskey, Casey, Clark, Coleman, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Reed, Rice, Rogers, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—54

Nays:

Reps.: Adams, Brooks, Butler, Campbell, Carothers, Carter, Cosby, Faulk, Flowers, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—34

AMENDMENT OFFERED

Rep. Mitchell offered the following amendment to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language in Section 1, Page 2, beginning on line 10, after the word year:

The employee, by submitting to the employing board a written request thirty (30) days in advance, may revoke authorization for dues and other contributions. Such revocation of authorization shall become effective with the payroll period following 30 days after the board's receipt of said written request.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment offered by Rep. Mitchell to the bill, H. 8 as amended, was tabled.

Yeas 61; Nays 21.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Scott, Smith, Thomas, Trammell, Tucker, Turner, Warren, White (F) and Williams.

—61

Nays:

Reps.: Adams, Brooks, Cosby, Freeman, Hammett, Hettinger, Kvalheim, McKee, Manley, Moore, Nicholson, Payne, Rains, Richardson, Seibels, Thornton, Venable, Waggoner, White (L.), Wright and Zoghby.

—21

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 8 as amended:

Amend Substitute for H.B. 8 on page 2, Section 1, line 10 after the word "year." by adding the following sentence after the period.

Voluntary contributions may be revoked by giving a 30 day notice in writing.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 97; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

Nay: Rep. Tucker. —1

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #1 to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language at the end of Section 1:

Employing boards are hereby authorized to establish and promulgate reasonable fee schedules for providing collection services, not to exceed ten (10) percent of the amount collected. Such collection charge may be withheld from amounts otherwise due any agency, organization or firm benefitting from this act.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #1 offered by Rep. Cosby to the bill, was tabled.

Yeas 51; Nays 19.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rogers, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—51

Nays:

Reps.: Adams, Carothers, Coburn, Cosby, Kvalheim, Lewis, McMillan, Murphy, Nicholson, Payne, Rains, Richardson, Scott, Seibels, Turnham, Venable, Waggoner, White (L) and Zoghby.

—19

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #2 to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language at the end of Section 1:

Employing boards are hereby authorized to establish and promulgate reasonable fee schedules for providing collection services, not to exceed seven (07) percent of the amount collected. Such collection charge may be withheld from amounts otherwise due any agency, organization or firm benefitting from this act.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #2 offered by Rep. Cosby to the bill, H. 8 as amended, was tabled.

Yeas 60; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coleman, Crow, Davis, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F), Williams and Wilson.

—60

Nays:

Reps.: Adams, Carothers, Clikas, Flowers, Kvalheim, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Rains, Richardson, Scott, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—20

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #3 to the bill, H. 8 as amended:

Amend Substitute to H. 8 by inserting the following language at the end of Section 1:

Employing boards are hereby authorized to establish and promulgate reasonable fee schedules for providing collection services, not to exceed five (05) percent of the amount collected. Such collection charge may be withheld from amounts otherwise due any agency, organization or firm benefitting from this act.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #3 offered by Rep. Cosby to the bill, H. 8 as amended, was tabled.

Yeas 60; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—60

Nays:

Reps.: Adams, Brooks, Carothers, Clikas, Coleman, Cosby, Freeman, Hammett, Hettinger, Kvalheim, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starr, Thornton, Tucker, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—30

AMENDMENT OFFERED

Rep. Lewis offered the following amendment #1 to the bill, H. 8 as amended:

Amend the substitute to House Bill 8 by inserting at the end of Section 1 on page 2 the following:

All Boards and Postsecondary Institutions shall be prohibited from assessing any organization or company more than a five percent service charge for the collection and distribution of payroll deductions designated for that organization or company.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #1 offered by Rep. Lewis to the bill, H. 8 as amended, was tabled.

Yeas 59; Nays 28.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Parker, Poole, Reed, Rice, Rogers, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Warren, White (F), Williams and Wilson.

—59

Nays:

Reps.: Adams, Brooks, Carter, Clikas, Coleman, Cosby, Flowers, Hammett, Harper, Kvalheim, Lewis, McMillan, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starr, Stout, Thornton, Turnham, Venable, White (L), Wright and Zoghby.

—28

AMENDMENT OFFERED

Rep. Lewis offered the following amendment #2 to the bill, H. 8 as amended:

Amend Substitute to House Bill 8, page 2, lines 24 through 26 by deleting Section 2 in its entirety and renumbering all subsequent sections.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment #2 offered by Rep. Lewis to the bill, H. 8 as amended, was tabled.

Yeas 60; Nays 22.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Parker, Poole, Reed, Rice, Rogers, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—60

Nays:

Reps.: Adams, Brooks, Clikas, Cosby, Hammett, Kvalheim, Lewis, McKee, McMillan, Murphy, Nicholson, Payne, Rains, Richardson, Scott, Seibels, Thornton, Turnham, Venable, White (L), Wright and Zoghby.

—22

And the bill, H. 8 as amended, was read a third time at length and lost, lacking a two-thirds vote.

Yeas 63; Nays 38.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Stout, Thomas, Trammell, Tucker, Turner, Warren, White (F) and Williams.

—63

Nays:

Reps.: Adams, Biddle, Blakeney, Boles, Brooks, Campbell, Carothers, Carter, Coleman, Cosby, Grouby, Hammett, Hettinger, Howard, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Nicholson, Payne, Rains, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—38

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Boles offered the motion to reconsider the vote by which the bill, H. 8 as amended, was lost.

MOTION TO ADJOURN LOST

The motion offered by Rep. Goodwin that the House adjourn until 10:00 o'clock a.m., Thursday, February 17, 1983, was lost.

Yeas 42; Nays 55.

Yeas:

Reps.: Adams, Ashley, Biddle, Brooks, Butler, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Flowers, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Kvalheim, Layton, Lewis, McMillan, Manley, Minus, Murphy, Nicholson, Payne, Penry, Preuitt, Rains, Richardson, Sasser, Starkey, Stout, Thornton, Turnham, Venable, Waggoner, White (L) and Zoghby.

—42

Nays:

Mr. Speaker, Albright, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Buskey, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Faulk, Ford, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McKee, Mathis, Melton, Mitchell, Nevett, Newman, Owens, Parker, Poole, Reed, Rice, Rogers, Scott, Seibels, Smith, Starr, Thomas, Trammell, Warren, White (F), Williams, Wilson and Wright.

—55

MOTION TO RECONSIDER ADOPTED

The question was then again on the motion offered by Rep. Boles to reconsider the vote by which the bill, H. 8 as amended, was lost, and the motion to reconsider was adopted.

Yeas 59; Nays 34.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, McMillan, Martin, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Rogers, Smith, Stout, Thomas, Trammell, Tucker, Warren, White (F) and Williams.

—59

Nays:

Reps.: Adams, Blakeney, Brooks, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Gaston, Grouby, Hammett, Harper, Hettinger, Kvalheim, Lewis, McKee, Manley, Murphy, Nicholson, Payne, Rains, Richardson, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Waggoner,

White (L), Wright and Zoghby.

—34

H. 8 TEMPORARILY POSTPONED

On motion of Rep. Bennett, the bill, H. 8 as amended, was temporarily postponed.

Yeas 50; Nays 28.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Escott, Flowers, Goodwin, Grimsley, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Rice, Rogers, Smith, Thomas, Trammell, Warren, White (F) and Williams.

—50

Nays:

Reps.: Brooks, Carothers, Carter, Clikas, Cosby, Gaston, Grouby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Murphy, Payne, Rains, Richardson, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—28

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Moore to suspend the rules in order to take up out of order the bill, H. 32, was lost, lacking a four-fifths vote.

Yeas 46; Nays 29.

Yeas:

Mr. Speaker, Blake, Box, Brakefield, Brooks, Butler, Carothers, Carter, Casey, Coburn, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hettinger, Holley, Johnson (Roy), Langford, Layton, McKee, McMillan, Martin, Melton, Murphy, Poole, Preuitt, Rice, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Turnham, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—46

Nays:

Reps.: Adams, Ashley, Bennett, Boles, Bowling, Browder, Clark, Clikas, Crow, Dutton, Flowers, Gaston, Hammett, Harper, Howard, Junkins, Kvalheim, Lauderdale, Lewis, Mathis, Mitchell, Nevett, Newman, Parker, Penry, Rains, Richardson, Tucker and Venable.

—29

MOTION TO RECONSIDER

Having previously temporarily postponed consideration of the bill, H. 22, Rep. Holley offered the motion to reconsider that motion.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Rains that the House adjourn until 10:00 o'clock a.m., Thursday, February 17, 1983, was adopted.

Yeas 55; Nays 36.

Yeas:

Reps.: Adams, Ashley, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Drinkard, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Howard, Johnson (A. L.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Murphy, Nevett, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thornton, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

—55

Nays:

Mr. Speaker, Bennett, Blake, Browder, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Ford, Grimsley, Holley, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Melton, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rogers, Smith, Thomas, Warren, White (F) and Williams.

—36

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:00 P. M. on February 16, 1983.

H. J. R. 22

H. J. R. 27

H. J. R. 28

H. J. R. 29

H. J. R. 30

H. J. R. 31

H. J. R. 32

H. J. R. 33

H. J. R. 35

Delivered to the Governor at 3:20 P. M. on February 16, 1983.

H. 4

H. 15

H. 16

H. J. R. 41

H. J. R. 42

H. J. R. 47

H. J. R. 48

H. J. R. 50

H. 3

Delivered to the Governor at 7:00 P. M. on February 16, 1983.

H. J. R. 25

H. J. R. 54

H. J. R. 59

H. J. R. 60

H. J. R. 61

H. J. R. 62

H. J. R. 65

H. J. R. 70

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On substitute motion offered by Rep. Rains and pursuant to the resolution, H. R. 53, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 17, 1983.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 17, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Jack Thompson, Minister, Frazier Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale,

Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Laird.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 72. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 17, 1983, that we adjourn to meet again on Tuesday, February 22, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 73. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thurdsay, February 17, 1983, that we adjourn to meet again on Tuesday, February 22, 1983, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 73, was adopted.

Also:

By Rules Committee:

H. R. 74. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business February 17, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

H. 22 p. 4	Fair Trial Tax Fund	Mr. Holley
H. 36 p. 9	Department of Economic & Community Affairs	Mr. Holley, etal
S. 24 p. 11	Promotion of swine products	Mr. Smith
S. 26 p. 7	Theft of fish from fish farms	Mr. Robertson
H. 24 p. 4	Retirement payments, sheriffs	Mr. Coburn
H. 32 p. 6	Sites for public facilities	Mr. Moore
S. 13 p. 6	Incorporate laws into Code of Alabama	Mr. de Graffenried
H. 30 p. 8	Burning of woodlands	Mr. Warren
H. 21 p. 6	Vote tabulating equipment	Mr. Martin
H. 9 p. 3	Board of Examiners in Counseling Fund	Mr. Turnham
H. 17 p. 3	Board of Heating & Air Conditioning	Mr. Turnham

On motion of Rep. Casey, the resolution, H. R. 74, was adopted.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 27. (With Substitute) (With Amendment): Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 29. To amend Section 32-5-171, Code of Alabama, 1975, by inserting the words "Section 32-5A-191" in lieu of "Section 32-5-170" where the same appears in said section.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 2. Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

S. 33. To create the position of assistant director of the department of aeronautics; to provide for his appointment, duties and salary.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 4. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 19. (With Amendment): To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a. m. at licensed places and establishments in Class I cities; to authorize Class I cities to restrict and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Davis:

H. R. 75. COMMENDING MR. ERSKINE BENNETT OF BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Stout, Rains and Richardson:

H. J. R. 76. COMMENDING DOCTOR GEORGE S. KILLIAN OF FORT PAYNE, ALABAMA, AS PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

WHEREAS, the Legislature of Alabama notes with warm praise and regard the February 9, 1983, installation of Doctor George S. Killian of Fort Payne, Alabama, as president of the Alabama Cattlemen's Association; and

WHEREAS, Dr. Killian, who has served as president of both the Alabama Veterinary Medical Alumni Association and the Dekalb County Chapter of the Auburn Alumni Association, has been the recipient of numerous awards and honors in recognition of his service and leadership, not only to the Cattlemen's Association but in many other areas of community and statewide concern; and

WHEREAS, prestigious recognition and awards of appreciation have been accorded Dr. Killian by the Fort Payne Chamber of Commerce which he has served as director, by the Parent-Teachers Association Council, and the Alabama Cooperative Extension service, as well as prior honors of the Alabama Cattlemen's Association over which he now presides; and

WHEREAS, it is the concensus of this body that Doctor Killian's forthcoming tenure as president of the Cattlemen's Association will prove to be

an era of progressive and responsible leadership and a continuation of the dedicated service he has long provided through membership and previous official positions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Doctor George S. Killian as President of the Alabama Cattlemen's Association; we further direct that copies of this resolution be provided for Dr. Killian, his wife and family that they all may know of our sincere warm praise and regard.

On motion of Rep. Stout, the rules were suspended and the resolution, H. J. R. 76, was adopted.

Also:

By Rep. Clark:

H. R. 77. SOLICITING FULL SUPPORT FOR AFRICATOWN, U.S.A. FOLK FESTIVAL.

WHEREAS, AFRICATOWN, U.S.A. (Prichard and Mobile, Alabama) is the site of the last recorded landing of Africans in the United States, in 1859, for the purpose of slavery; and

WHEREAS, AFRICATOWN, U.S.A. is an area of exceptional significance in American history and culture; and

WHEREAS, The Progressive League and the American Ethnic Science Society have completed research which documents the significance of Africatown to people throughout the world; and Nation; and the State of Alabama; and

WHEREAS, AFRICATOWN, U.S.A. is recognized as the symbolic homeplace of African-American people; and

WHEREAS, The City of Prichard recognizes the importance of this site to our economy, citizens and government; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That full support be given toward passage of U.S. Senate Bill S-345—U.S. House Bill H-1246, Africatown, U.S.A., National Historic Park and District Legislation as introduced by U.S. Representative Jack Edwards, U.S. Senator Howell Heflin and U.S. Senator Jeremiah Denton.

BE IT FURTHER RESOLVED, That a copy of this Resolution be presented to the U.S. House of Representatives, the U.S. Senate, the Mayor of the City of Prichard, and the President of the Progressive League, Africatown Folk Festival, Inc.

On motion of Rep. Clark, the rules were suspended and the resolution, H. R. 77, was adopted.

H. 8 TAKEN UP

And the bill:

H. 8. To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

As amended and temporarily postponed on the fifth legislative day, was

taken up.

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 8 as amended:

Amend Substitute to H. 8 as follows:

On page 1, line 21 delete the period and add: ; and to provide for certain administrative fees.

On page 1, line 25, after "16-22-6." add (a)

On page 2, line 19 delete the quotation marks.

On page 2, after line 19 add a new subsection as follows:

"(b) Each local board of education and post-secondary institution shall charge an administrative fee in the amount of 4% of any deduction except on tax shelter annuities and the Public Employees Individual Retirement Accounts deductions. For insurance premiums the administrative fee shall be deducted from the gross premium due the company and shall not be charged to the individual employee. The fee for any membership dues or voluntary contribution shall be charged to the employee in addition to the gross amount of the voluntary contribution or membership dues."

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment offered by Rep. Stout to the bill, H. 8 as amended, was tabled.

Yeas 52; Nays 39.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Hall, Harper, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Parker, Poole, Reed, Rice, Rogers, Smith, Starkey, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—52

Nays:

Reps.: Bowling, Brooks, Butler, Campbell, Carter, Clikas, Coleman, Cosby, Faulk, Flowers, Freeman, Grouby, Hammett, Harvey, Hettinger, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Murphy, Nicholson, Payne, Penry, Rains, Richardson, Scott, Seibels, Starr, Stout, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

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MOTION IN WRITING

Rep. Albright filed the following Motion in Writing:

Having voted on the prevailing side by which H.B. 11 as substituted and amended passed the Alabama House of Representatives, I would now like to move to reconsider that vote by which the bill passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 18. CONGRATULATING MRS. HENRY GRADY JACOBS OF SCOTTSBORO, ALABAMA, ON THE OCCASION OF HER 90TH BIRTHDAY.

Also:

S. J. R. 20. COMMENDING JUDGE MYRTLE GREEN OF HUNTSVILLE, ALABAMA.

Also:

S. J. R. 21. MOURNING THE DEATH OF MR. BOYD VAUGHAN OF THE SAKS COMMUNITY OF CALHOUN COUNTY, ALABAMA.

Also:

S. J. R. 22. REQUESTING THE TENNESSEE VALLEY AUTHORITY TO PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

Also:

S. J. R. 25. MOURNING THE DEATH OF DOCTOR JULIET NUNN PEARSON.

Also:

S. J. R. 27. MOURNING THE DEATH OF MR. WILLIAM DEXTER MAY OF WINFIELD, ALABAMA.

Also:

S. J. R. 28. COMMENDING AUBURN UNIVERSITY'S DOWE AUGHTMAN, ASSOCIATED PRESS ALL-SOUTHEASTERN CONFERENCE DESIGNEE.

Also:

S. J. R. 34. COMMENDING THE RENOWNED EXCELSIOR BAND OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 8 RESUMED

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 8 as amended:

Amend Substitute to H. 8 by deleting language on Page 1, Section 1,

line 30, beginning with the word "as" and ending with the word "deduction" on line 31, and by inserting in lieu thereof new language as follows:

~~as specified by the employees within ten (10) days following each deduction~~ not later than ten (10) calendar days following the end of the month for which deductions were made.

AMENDMENT TABLED

On motion of Rep. Bennett, the amendment offered by Rep. Turnham to the bill, H. 8 as amended, was tabled.

Yeas 47; Nays 41.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Boles, Box, Brakefield, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Crow, Davis, Dutton, Escott, Gaston, Grimsley, Hall, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Reed, Rogers, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—47

Nays:

Reps.: Adams, Blake, Blakeney, Bowling, Browder, Butler, Carter, Clikas, Coleman, Cosby, Flowers, Ford, Freeman, Hammett, Harper, Johnson (R. G.), Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Murphy, Nicholson, Payne, Penry, Preuitt, Rains, Richardson, Scott, Seibels, Smith, Starkey, Starr, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—41

And the bill, H. 8, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 29.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Hall, Harper, Harvey, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Minus, Moore, Nevett, Newman, Owens, Parker, Penry, Poole, Preuitt, Reed, Rice, Rogers, Sasser, Smith, Starkey, Stout, Thomas, Trammell, Tucker, Turner, Warren, White (F) and Williams.

—68

Nays:

Reps.: Adams, Brooks, Carter, Coleman, Cosby, Grouby, Hammett, Hettinger, Kvalheim, Lewis, McKee, McMillan, Manley, Mitchell, Murphy, Nicholson, Payne, Rains, Richardson, Scott, Seibels, Starr, Turnham, Venable, Waggoner, White (L), Wilson, Wright and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Thornton would have voted "Nay" on the bill, H. 8, had she been in the Chamber at the time of voting.

SPECIAL ORDER

The House then proceeded with the bills on the Special Order Calendar.

And the bill:

H. 22. To make a continuing appropriation to the State Comptroller from the Fair Trial Tax Fund for the cost of administration of that fund.

Which was temporarily postponed with pending amendment on the fifth legislative day, was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 22 with pending amendment:

A BILL
TO BE ENTITLED
AN ACT

To make a continuing appropriation to the State Comptroller from the Fair Trial Tax Fund for the cost of administration of that fund.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Fair Trial Tax Fund in the State Treasury as a continuing appropriation to the Office of the State Comptroller an amount not to exceed 1.9% of the receipts accruing to that fund in any given fiscal year to offset any and all administrative cost.

This appropriation shall be in addition to any and all funds heretofore or hereafter appropriated to the State Comptroller either directly or through the Finance Department, Fiscal Management Program.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Manley to indefinitely postpone the bill, H. 22 with pending amendment and substitute, was lost.

Yeas 26; Nays 58.

Yeas:

Reps.: Box, Brooks, Bryant, Campbell, Davis, Dutton, Hammett, Johnson (A. L.), Kvalheim, Langford, Lewis, Manley, Melton, Murphy, Nicholson, Rains, Rice, Sasser, Scott, Starkey, Thornton, Tucker, White (L), Wilson,

Wright and Zoghby.

—26

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Buskey, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Moore, Newman, Owens, Parker, Payne, Poole, Preuitt, Richardson, Rogers, Smith, Starr, Thomas, Trammell, Turner, Venable, White (F) and Williams.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 76. COMMENDING DOCTOR GEORGE S. KILLIAN OF FORT PAYNE, ALABAMA, AS PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

McDOWELL LEE,
Secretary.

H. 22 RESUMED
SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Holley to the bill, H. 22 with pending amendment, and the substitute was adopted.

Yeas 74; Nays 18.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Buskey, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Starkey, Stout, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L), Williams and Zoghby.

—74

Nays:

Reps.: Box, Brooks, Bryant, Campbell, Dutton, Hammett, Holmes, Johnson (A. L.), Langford, Lewis, Manley, Murphy, Rice, Scott, Seibels, Starr, Wilson and Wright.

—18

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 22 as amended:

Amend House Bill #22 as follows:

Delete Section 1 and substitute a new Section #1.

Section #1. There is appropriated from the Fair Trial Tax off the top the sum of $60,000.00 per year to the General Fund of the State for the use of the Office of the State Comptroller. This appropriation shall be made during any year the General Fund is in proration.

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Manley to the bill, H. 22 as amended, was tabled.

Yeas 50; Nays 40.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Buskey, Casey, Clikas, Coburn, Crow, Davis, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Harvey, Hettinger, Holley, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Lauderdale, Layton, Mathis, Melton, Mitchell, Moore, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rogers, Smith, Stout, Trammell, Turner, Warren, White (F) and Williams.

—50

Nays:

Reps.: Blakeney, Box, Bryant, Butler, Campbell, Carter, Coleman, Cosby, Dutton, Flowers, Grouby, Hammett, Holmes, Howard, Johnson (A. L.), Kvalheim, Langford, McKee, McMillan, Manley, Martin, Minus, Murphy, Nicholson, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Tucker, Turnham, White (L), Wilson, Wright and Zoghby.

—40

And the bill, H. 22, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—67

Nays:

Reps.: Box, Bryant, Campbell, Dutton, Hall, Holmes, Johnson (A. L.), Langford, Lewis, Manley, Minus, Murphy, Rice, Sasser, Seibels, Starkey,

Starr, Thornton, Tucker, Wilson and Wright.

—21

And the bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to abolish the state supervisory board of the Alabama law enforcement planning agency, and specifically repealing Sections 41-8A-5, 41-8A-6, 41-8A-7, and 41-8A-11, Code of Alabama 1975, relating to such board, and to transfer all such functions, duties, and powers to the new agency; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment #1 to the bill, H. 36:

Amend House Bill 36, page 6, after the period on line 13 by adding the following:

The Alabama Law Enforcement Agency shall be exempt from merging into the Department of Economic and Community Affairs until October 1, 1983.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Scott, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Holley offered the following amendment #2 to the bill, H. 36 as amended:

Amend House Bill 36, page 1, in the Synopsis, beginning on line 28, by striking ~~It repeals certain sections~~.

Further amend the bill, page 2, in the Title, beginning on line 23, after the word "Affairs" and the semi colon by striking the remainder of line 23 and lines 24 through 27 in their entirety and on line 28 by striking ~~agency~~ and the semi colon.

Further amend the bill, page 5, beginning on line 34, by striking Section 7 in its entirety and renumbering remaining sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Zoghby.

—85

And the bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the

State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—94

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 36:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Thomas, Turner,

Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

And the bill:

S. 24. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Was read a third time at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—92

And the bill:

S. 26. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

Was taken up.

AMENDMENT OFFERED

Rep. Johnson offered the following amendment to the bill, S. 26:

Amend Senate Bill 26, page 1, Section 1, by inserting after the word and figure "Section 1." the following:

(a) Amend Senate Bill 26, page 1, Section 1, line 25, after the word "fishing" by deleting the remainder of said Section 1, and inserting in lieu thereof the following:

(b) Any motor vehicle, or fishing tackle or other fishing equipment which has been or is used for illegal fishing shall be contraband, and, in the discretion of the circuit court may be forfeited to the county wherein the violation occurred, as hereinafter provided.

(c) The sheriff or any other person authorized to enforce the game and fish laws of this state who apprehends any person violating the provisions of this act, or who finds any vehicle which is being or has been used in such illegal fishing shall seize such vehicle and any fishing tackle and other fishing equipment found in the possession of or on the person of such person or in or on such vehicle and shall report such seizure and the facts con-

nected therewith to the district attorney or other prosecuting official in the judicial circuit. The report shall contain a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same, or any interest therein, if the name is known or can be ascertained, the date of the seizure and a statement of the circumstances surrounding the seizing of the property.

(d) The district attorney or other prosecuting officer of the judicial circuit upon receiving such report may at once institute, or cause to be instituted, condemnation proceedings in the circuit court, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. Except as herein otherwise provided, the procedures for the condemnation, forfeiture and sale of motor vehicles and fishing equipment under this act used in the illegal fishing shall be governed in all things by and shall conform to the law relative to proceedings for the condemnation, forfeiture and sale of vehicles used in the illegal transportation of alcoholic beverages. Without limiting the generality of the foregoing sentence the provisions of sections 28-4-286 and 28-4-287, shall apply to and govern all such proceedings.

(e) The proceeds of the sale of any property condemned and forfeited to any county under authority of this section, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the county in which the violation occurred.

(f) Any lienholder with a perfected security interest recorded in accordance with the Uniform Commercial Code may recover the vehicle in kind or may recover the balance remaining after deduction of any costs of recovery and sale.

Also, on page 2, between lines 10 and 11, insert the following Section 3 and renumber all subsequent sections accordingly:

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and

Zoghby.

—90

And the bill, S. 26 as thus amended, was read a third time at length and passed.

Yeas 89; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

Nay: Rep. Dutton. —1

And the bill:

H. 24. (With Substitute): To amend Section 36-22-43, Code of Alabama 1975, which provides for retirement payments for retired sheriffs, so as to increase said payments.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 36-22-42 and 36-22-43, Code of Alabama 1975, which provides for deductions from sheriffs' salaries and retirement payments for retired sheriffs, so as to increase said deductions and payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-22-42 and 36-22-43, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-22-42. The governing body of each county shall begin deducting on October 10, 1975, and each month thereafter from the salaries of such sheriffs an amount equal to four percent of the monthly salary paid such official up to ~~$15,000.00~~ $25,000.00. Such sum shall be deducted monthly and paid into the general fund of the county.

If any sheriff subject to the provisions of this article shall end his tenure of office prior to becoming eligible as provided herein, an amount equal to one half of the amount paid by him into the county general fund under the provisions of this section shall be repaid to him.

In the event such person shall die in office prior to becoming eligible, such sum shall be paid to his estate.

This section shall not apply in any county in which the sheriff is eligible to become entitled to any other state or county retirement act which he may elect to come under."

"Section 36-22-43. Those persons eligible under either section 36-22-40 or 36-22-41 shall receive payments equal to ~~$450.00~~ $750.00 per month, but in no event shall any person receive payments pursuant to both the retirement and disability provisions simultaneously. Said payments shall be paid from the general fund of the county in which said eligible persons reside upon their retirement or disability. However, this article is permissive in nature and the governing body of said county may decline to make such payments. In such event the full amount of any contribution made shall be paid back to the eligible sheriff."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

And the bill:

H. 24. To amend Sections 36-22-42 and 36-22-43, Code of Alabama 1975, which provides for deductions from sheriffs' salaries and retirement payments for retired sheriffs, so as to increase said deductions and payments.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Payne, Penry, Preuitt, Rains,

Reed, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

CO-SPONSORS ADDED

Reps. Holmes, Reed, Grouby, Butler, Richardson, Rains, Coleman, Brooks, Harper, Dutton and Newman were added as co-sponsors of the bill, H. 24.

NOTICE IN WRITING POSTPONED

At the request of Rep. Reed, the Notice in Writing filed by him on the fifth legislative day, was postponed.

RECESS

On motion of Rep. Holmes, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER RESUMED

And the bill:

H. 32. To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Rains, Rice Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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CO-SPONSOR ADDED

Rep. Grouby was added as co-sponsor to the bill, H. 32.

And the bill:

S. 13. To adopt and incorporate into the Code of Alabama 1975 all general and permanent classified municipal laws of the State adopted by the legislature during the 1979 and 1980 Sessions and the 1981 Regular Session and all general and permanent laws, including the classified municipal

laws, of the State adopted by the legislature during the 1981 First, Second and Third Special Sessions, the 1982 Regular Session and the 1982 First Special Session, as contained in the 1982 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement; to adopt and incorporate into the Code of Alabama 1975 the Intestate Succession and Wills Act (Act No. 82-399, S. 49, 1982 Regular Session, referred to as the Probate Code) as contained in Chapter 8 of Title 43 of the 1982 Replacement Volume 22 of the Code; and to adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the legislature during the 1982 Second Special Session as contained in the 1982 Interim Supplement to the Code of Alabama 1975.

Was taken up.

S. 13 INDEFINITELY POSTPONED

On motion of Rep. Manley, the bill, S. 13, was indefinitely postponed.

And the bill:

H. 30. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Cosby, Crow, Davis, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson and Wright.

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H. 21 POSTPONED

On motion of Rep. Martin, the bill, H. 21, was postponed to the eighth legislative day.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 76. COMMENDING DOCTOR GEORGE S. KILLIAN OF FORT PAYNE, ALABAMA, AS PRESIDENT OF THE ALABAMA CATTLEMEN'S ASSOCIATION.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 9. (With Amendment): To make an additional appropriation from the "Alabama Board of Examiners in Counseling Fund" in the general fund of the state treasury, for the fiscal year ending September 30, 1983, to the said board for its general operations.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 9, with amendment reported by the Standing Committee on Ways and Means, said amendment offered by Rep. Turnham being as follows:

Amend H.B. 9 on page 1, Section 1, after line 34 by adding after the word counseling the following:

Ten percent of any funds in excess of $25,000 in the fund if this board on the last day of the fiscal year shall be reverted to the State General Fund.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holmes, Horn, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Owens, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—74

And the bill, H. 9, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holmes, Horn, Johnson (R. G.), Junkins, Kennedy, Kvalheim,

Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—83

And the bill:

H. 17. (With Amendment): To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $81,293.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall be carried over into the following state fiscal year, rather than reverting to the state general fund.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 17 in the title on page 1, line 29, by deleting the figure "$81,293.00" and inserting in lieu thereof the figure: $65,000.00.

Further amend House Bill 17 in Section 1, on page 2, line 8 by deleting the figure "$81,293.00" and inserting in lieu thereof the figure: $65,000.00.

Further amend House Bill 17 in the Synopsis by deleting lines 14-20 on page 1, in their entirety and inserting in lieu thereof the following:

purpose of salaries, and other expenses. Any balance in excess of $25,000 in said fund at the end of any fiscal year shall revert to the General Fund of the State of Alabama.

Further amend House Bill 17 in the title on page 1, by deleting lines 34-36 in their entirety and inserting in lieu thereof the following:

fund on September 30, 1983, shall revert to the State General Fund.

Further amend House Bill 17 in Section 2 on page 2, by deleting lines 18-20 in their entirety and inserting in lieu thereof the following:

Contractors on Septebmer 30, 1983, shall revert to the State General Fund.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry,

Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—79

And the bill:

H. 17. To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $65,000.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall revert to the State General Fund.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—81

Nay: Rep. Stout. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 5.

And the bill:

H. 5. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark,

Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—78

MOTION TO RECONSIDER ADOPTED

Having previously filed a Motion in Writing, Rep. Albright offered the motion to reconsider the vote by which the bill, H. 11 as amended, was passed, and the motion to reconsider was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—84

Nay: Rep. Brooks. —1

And the bill:

H. 11. To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended, (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to $8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-exemption of wages into or from a tax deferred trust; to extend to 35 years the period during which certain moneys credited to the fund may be used for administrative purposes; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limit-

ed to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain conditions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under certain conditions; to provide for an increase in weekly benefit amount to $120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to $22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments, waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

Was again taken up.

AMENDMENT OFFERED

Rep. Albright offered the following amendment #1 to the bill, H. 11 as amended:

In Section 6, page 61, line 29,

after "b." insert "1.";

And,

On page 62, between lines 16 and 17,

insert the following:

"2. Subsequent to the termination of the emergency surcharge, as provided in subparagraph 1. of this paragraph b., there shall be, effective for any calendar year thereafter which begins not less than one year after the preceding termination, the surcharge, if at the end of any fiscal year immediately prior thereto there is a trust fund balance of less than seventy-five percent (75 percent) of the balance required to equal the minimum normal amount and shall thereafter terminate under the conditions prescribed in subparagraph 1. of this paragraph b."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hettinger, Holmes, Horn, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry,

Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—80

AMENDMENT OFFERED

Rep. Albright offered the following amendment #2 to the bill, H. 11 as amended:

In Section 6, page 59, in column 17 of the table contained therein, change "18" to "17."

Further amend H.B. 11 by deleting lines 26 through 33 and inserting the following:

January 1, 1983, and subject to the further provisions of this paragraph c, for each calendar year thereafter, the rate of contribution to the employee shall be 1.0 percent (one percent). The additional rate of contribution provided for herein shall end on the first January 1, next following the end of any fiscal year at the end of which the balance in the state's trust fund is at least seventy-five percent (75.0 percent) of the minimum normal amount as computed under the provisions of subdivision (2) of this subsection (g) for such fiscal year. Thereafter, the provisions of this paragraph c and section 25-4-52 to the contrary notwithstanding, there shall be no employee contributions made under this chapter for any calendar year."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—82

And the bill, H. 11, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate again without engrossment.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins,

Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—87

Nays: Reps. Brooks and Lewis. —2

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 78. COMMENDING GOVERNOR FOB JAMES FOR THE OUTSTANDING LEADERSHIP OF HIS ADMINISTRATION.

WHEREAS, four years ago, Governor Fob James was decisively elected to Alabama's chief executive office and, as our Governor, has sincerely dedicated his great ability and energies toward goals of progress for the State of Alabama; and

WHEREAS, Governor James is indeed to be commended for his numerous accomplishments on our behalf and perhaps most particularly for such great strides in the problem areas of mental health, education and our prison system; and

WHEREAS, Governor James' philosophy of fiscal responsibility in state government is one that is shared and embraced by the members of this body and by all conscientious citizens who would work together to achieve prosperity for the State of Alabama; and

WHEREAS, it is the consensus of this body that Governor James brought a high degree of integrity and principle to state government during his administration, and it is further significant that Alabama has endured no major racial turmoil or unrest during his tenure; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Governor Fob James for his dedicated service and accomplished administration of the past four years.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor James that he and his family may know of our sincere commendation and of our every wish for their continued success and every future happiness.

The resolution, H. J. R. 78, was read and transferred to the Standing Committee on Rules.

Also:

By Rep. Waggoner:

H. J. R. 79. COMMENDING MR. ROBERT H. BOSWELL, DIRECTOR OF THE BIRMINGHAM POLICE DEPARTMENT ATHLETIC TEAM.

WHEREAS, PAT is a program sponsored by the Birmingham Police Department as a supervised sports involvement for elementary-aged youths of the City of Birmingham; and

WHEREAS, the director of the Police Athletic Team, or PAT, program is officer Robert H. Boswell, an active member of the Birmingham Police Department who has devoted untold hours in leadership and guidance for the program's participating youngsters; and

WHEREAS, as a measure of the success of Mr. Boswell's efforts, it is to be noted that numerous young Birmingham area boys, who were participants in the PAT basketball program as youngsters, have gone on to achieve outstanding success as college and professional athletes; and

WHEREAS, Boswell-coached college stars include Ennis Whatley, Eric Richardson, Alvin Mumphord, Buck Johnson, Craig Beard, Luellen Foster, Marvin Ray Johnson, John Morgan, Sam Ervin, Edward Carroll, Mike Anderson, Anthony Hicks, Gerald Crosby, Dean Brown, Fred Harris, Robert Scott, Anthony Murray and Bubba Price, among others; in the professional ranks are found such stand-outs as Reginald King, T. R. Dunn, Tony Nathan, Andrew Toney, Oliver Robinson, Norman Anchrum, Chris Giles, Eddie Phillips and Raymond Odums; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Birmingham Police Officer and PAT Director Robert H. (Bob) Boswell for outstanding service to the youth of our state and for the contributions he has made to the world of sports through his dedication to the outstanding Police Athletic Team program of the Birmingham Police Department.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Boswell and for the Birmingham Police Department in token of our sincere praise and regard.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 79, was adopted.

BILLS ON THIRD READING

And the bill:

H. 12. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Was taken up.

H. 12 INDEFINITELY POSTPONED

On motion of Rep. Smith, the bill, H. 12, was indefinitely postponed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Melton:

H. R. 80. COMMENDING THE STILLMAN COLLEGE ALUMNI

ASSOCIATION FOR ITS SUCCESSFUL RESTORATION OF THE HISTORIC STILLMAN HOUSE IN TUSCALOOSA, ALABAMA.

BILLS ON THIRD READING RESUMED

And the bill:

H. 2. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Was taken up.

H. 2 INDEFINITELY POSTPONED

On motion of Rep. Holley, the bill, H. 2, was indefinitely postponed.

And the bill:

H. 18. To amend Section 9-11-235, Code of Alabama 1975, relating to nighttime hunting, so as to allow the use of shotgun and number six (6) shot or smaller and standard .22 caliber rimfire firearms other than .22 magnum rimfire firearms in the nighttime hunting of raccoon and opossum, to further clarify that the provisions thereof are not to apply to the nighttime hunting of raccoon, opossum, and foxes, exclusively with dogs, and to expressly repeal Section 9-11-235.1, Code of Alabama 1975, as amended, relating to the nighttime hunting of raccoon and opossum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Mitchell, Murphy, Newman, Nicholson, Owens, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Turner, Venable, Waggoner, White (L), Wilson and Wright.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 18:

Reps.: Albright, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Clikas, Coleman, Crow, Davis, Dutton, Ford, Freeman, Gaston, Hall, Hettinger, Horn, Howard, Junkins, Kvalheim, Lauderdale, Layton, McMillan, Mathis, Melton, Mitchell, Murphy, Newman, Nicholson, Owens, Penry, Rains, Richardson, Rogers, Scott, Seibels, Starkey, Thomas, Turner, Wilson and Wright.

—23

H. 20 TEMPORARILY POSTPONED

On motion of Rep. Clark, the bill, H. 20, was temporarily postponed.

And the bill:

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the State of Alabama, so as to include the chairman of the rules committee in each the house and senate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Thomas, Trammell, Turner, Venable, Warren, White (L), Wilson and Zoghby.

—71

Nay: Rep. Thornton. —1

And the bill:

S. 22. To amend Section 26-7A-1 of the Code of Alabama 1975, as amended, which provides for curators being appointed in the probate court so as to clarify that curators may be appointed in any probate court in the State of Alabama and to ratify previous curator appointments by any probate judge which otherwise would qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the date of this Act.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Freeman, Gaston, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R. G.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Mitchell, Nevett, Newman, Owens, Parker, Penry, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, Wilson, Wright and Zoghby.

—66

And the bill:

S. 12. To repeal Section 19 of Act No. 82-561, S. 102, Regular Session 1982 (Acts 1982, p. 922), relating to the Alabama Life and Disability Insurance Guaranty Association Act, which section prohibits the use of advertising of the Life and Disability Insurance Guaranty Association for purposes of sales, solicitation, or inducement to purchase any form of insurance covered by said act.

Was taken up.

S. 12 INDEFINITELY POSTPONED

On motion of Rep. Owens, the bill, S. 12, was indefinitely postponed.

RECESS

On motion of Rep. Lewis, the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 79. COMMENDING MR. ROBERT H. BOSWELL, DIRECTOR OF THE BIRMINGHAM POLICE DEPARTMENT ATHLETIC TEAM.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 26. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Johnson (Roy), the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census, and to expressly repeal Act No. 81-1049, 1981 Second Special Session and Act No. 82-629, 1982 First Special Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Johnson (Roy) offered the motion that the House concur in and adopt the Senate amendment to the bill, x H. 1, said Senate amendment being as follows:

Amend House Bill 1 as follows:

On pages 62-63, House District 88:

Delete the description of House District 88 and insert in lieu thereof the following description:

In Dale County:

Daleville Division

Clayhatchee Town

Daleville City

Tract 211

Enumeration District 671

Enumeration District 674

Enumeration District 675

Tract 212

Enumeration District 676

Enterprise City

Levell Plains Town

Remainder Daleville Division

Echo Division

Fort Rucker Division

Newton Town

Tract 210

Block Group 9

Remainder Fort Rucker Division

Tract 210

Enumeration District 666

Enumeration District 669

Newton-Midland City Division

Ozark Division

Newton Town

Ozark City

Tract 204

Tract 205

Tract 206

Tract 207

Tract 208

Remainder Ozark Division

Tract 203

Tract 204

Tract 205

Tract 207

Tract 208

On page 64, House District 89:

Delete lines 6-32, and insert in lieu thereof the following:

In Dale County:

Daleville Division

Daleville City

Tract 211

Enumeration District 672

Fort Rucker Division

Remainder of Fort Rucker Division

Tract 209

Enumeration District 667

Enumeration District 668

Daleville City

Tract 209

Enumeration District 670

Ozark Division

Ariton Town

Ozark City

Tract 201

Block Group 1

Remainder of Ozark Division

Tract 201

Enumeration District 654

Enumeration District 655A

Amend the Substitute to H. B. 1 on page 1, House District 2, by deleting line 48.

Further amend the Substitute to H. B. 1 on page 2, House District 2, after line 4, by adding the following:

Tract 201

Block Group 3

Block Group 4

Block Group 5

Block Group 6

Block Group 7

Blocks 811-814, 817-836

Block Group 9

Tract 202

Block Group 3

Block Group 4

Block Group 5

Block Group 6

Tract 203

Tract 205

Further amend the Substitute to H. B. 1, on page, 2 after line 6, by adding the following:

Tract 201

Tract 202

Tract 203

Tract 204

Tract 205

Tract 206

Tract 207

Block Group 2

Block Group 4

Block Group 9

Enumeration District 905

Further amend the Substitute to H. B. 1, on page 2, House District 3, by striking lines 15 through 18 in their entirety and inserting in lieu thereof the following:

Tract 201

Block Group 1

Block Group 2

Block Group 8

Blocks 801-802, 804-807, 809, 810, 815, 816

Tract 202

Block Group 1

Block Group 2

Further amend the Substitute to H. B. 1, on page 2, between lines 18 and 19, by inserting the following:

Remainder of Tri-Cities Division

Tract 207

Block Group 1

Further amend the Substitute to H. B. 1, on page 2, between lines 11 and 12, by inserting the following language:

Leighton Division

Further amend the Substitute to H. B. 1, on page 2, between lines 23 and 24, by inserting the following language:

St. Florian Town

Further amend the Substitute to H. B. 1, on page 3, House District 4, by deleting line 6 in its entirety.

Amend House Bill 1, Page 60, Line 50, by striking ~~Block Group 4~~ and inserting in lieu thereof BLOCK GROUP 7 and on Page 61, Line 47, by striking ~~BLOCK GROUPS 6-7~~ and inserting in lieu thereof BLOCK GROUP 4-6.

Delete in its entirety the description of House District 62 and insert in lieu thereof the following:

HOUSE DISTRICT 62 SHALL CONSIST OF:

In Tuscaloosa County

Abernant Division

Vance Town

Tract 106

Remainder of Abernant Division

Tract 106

Big Sandy-Duncanville Division

All of the Moundville District

Moundville Town

Tract 107

Remainder of Big Sandy-Duncanville Division

Tract 107

Brookwood Division

Brookwood Town

Tract 106

Tuscaloosa City

Tract 106

Remainder of Brookwood Division

Tract 106
Coaling-Vance Division
Vance Town
Tract 107
Remainder of Coaling-Vance Division
Tract 107
Coker Division
Northport City
Tract 103
Block 125
Block 132
Block 149
Tuscaloosa City
Tract 103
Block 125
Blocks 132-135
Block 149
Remainder of Coker Division
Tract 103
Block 125
Block 132
Blocks 150-154
Blocks 156-159
Blocks 161-166
Blocks 168-169
Fosters Division
Tract 103
Tuscaloosa Division
Tuscaloosa City
Tract 108
Blocks 205-206
Blocks 298-299
Block Group 4
Tract 122
Tract 123
Tract 125

Block Group 2
Remainder of Tuscaloosa Division
Tract 108
Block 207
Blocks 209-213
Blocks 215-216
Block 218
Blocks 222-224
Blocks 227-229
Block 231
Blocks 236-237
Block 239
Blocks 298-299
Blocks 301-308
Blocks 310-318
Block 340
Block 351
Block 398
Block Group 4
Tract 123
Tract 125
Blocks 108-110
Blocks 112-120
Blocks 123-132
Block 134
Blocks 152-154
Block Group 2
Enumeration District 673

Delete in its entirety House District 68 and insert in lieu thereof the following:

HOUSE DISTRICT 68 SHALL CONSIST OF:

In Dallas County
Carlowville Division
Orrville Division
Safford Division
Sardis Division
Tract 9999.99

Enumeration District 63

All of Hale County, EXCEPT THE MOUNDVILLE DISTRICT

All of Perry County

Amend the Substitute for House Bill 1 as amended, Page 52, by deleting the language in lines 4 through 10 and inserting in lieu thereof the following language:

"Craig-Tyler Division

Enumeration District 60

Selma Division

Tract 9905

Remainder of Selma Division

Enumeration District 51

Enumeration District 52U

Enumeration District 52V

All of Lowndes County

All of Wilcox County"

Further amend the Substitute for House Bill 1 as amended, Page 52, by deleting the language in lines 13 through 16 and insert in lieu thereof the following language:

"House District 70 shall consist of

In Dallas County

Craig-Tyler Division

Enumeration District 55

Enumeration District 56A

Enumeration District 56B

Enumeration District 57

Enumeration District 58

Enumeration District 59

Sardis Division

Enumeration District 61

Enumeration District 62

Selma Division

Tract 9901

Tract 9902

Tract 9903

Tract 9904

Remainder of Selma Division

Enumeration District 50

Enumeration District 52T

Enumeration District 53

Enumeration District 54"

A BILL
TO BE ENTITLED
AN ACT

To provide for the reapportionment of the two Houses of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The State is hereby divided into 105 House districts as follows:

HOUSE DISTRICT 1 SHALL CONSIST OF:

In Lauderdale County

Florence Division

Florence City

HOUSE DISTRICT 2 SHALL CONSIST OF:

In Colbert County

Cherokee Division

Leighton Division

Littleville Division

Tri-Cities Division

Sheffield City

Tract 204

Tuscumbia City

Remainder of Tri-Cities Division

HOUSE DISTRICT 3 SHALL CONSIST OF:

In Colbert County

Tri-Cities Division

Muscle Shoals City

Sheffield City

Tract 201

Tract 202

Tract 203

Tract 205

In Lauderdale County

Cloverdale Division

Tract 114

Block Groups 1 - 2
Florence Division
Remainder of Florence Division
Tract 101
Tract 102
Tract 103
Tract 108
Tract 109
Tract 111
Tract 115
Block Groups 1 - 3
Block Groups 5 - 8
Killen Division
Remainder of Killen Division
Tract 116
Blocks 314 - 315
Block 317
Block 319
Oakland Division
Waterloo Division

HOUSE DISTRICT 4 SHALL CONSIST OF:

In Lauderdale County
Cloverdale Division
Tract 114
Block Group 9
Enumeration District 441
Enumeration District 442
Enumeration District 443
Florence Division
St. Florian Town
Remainder of Florence Division
Tract 115
Enumeration District 440
Killen Division
Killen Town
Remainder of Killen Division

Tract 116
Block Groups 1 - 2
Blocks 301 - 313
Blocks 320 - 331
Blocks 339 - 346
Block Group 4
Enumeration District 437
Enumeration District 438
Enumeration District 439
Enumeration District 449
Lexington Division
Rogersville Division
In Limestone County
Athens Division
Remainder of Athens Division
Tract 202
Enumeration District 682
Tract 204
Enumeration District 683
Enumeration District 686
Tract 211
Enumeration District 692
Salem Division

HOUSE DISTRICT 5 SHALL CONSIST OF:

In Limestone County
Athens Division
Ardmore Town
Tract 201
Athens City
Elkmont Town
Tract 202
Remainder of Athens Division
Tract 201
Tract 202
Enumeration District 680T
Enumeration District 680U

Enumeration District 681
Tract 204
Enumeration District 684
Enumeration District 685
Tract 206
Tract 207
Tract 208
Tract 209
Tract 211
Enumeration District 691
Mooresville Division

HOUSE DISTRICT 6 SHALL CONSIST OF:

In Madison County
Huntsville Division
Huntsville City
Tract 6.01
Tract 13
Blocks 202 - 211
Tract 14
Tract 15
Block 209
Tract 22
Tract 23
Blocks 107 - 108
Blocks 210 - 211
Blocks 315 - 322
Block Group 4
Tract 24
Blocks 101 - 105
Blocks 115 - 117
Blocks 202 - 218
Tract 105
Tract 106
Blocks 907 - 909
Madison City
Tract 106

Block 910
Remainder of Huntsville Division
Tract 6.01
Block 214
Tract 14
Tract 105
Tract 106
Block 102
Blocks 106 - 148
Blocks 210 - 227
Block 905
Blocks 907 - 910
Madison Division
Madison City
Tract 110
Remainder of Madison Division
Tract 110
Madison Crossroads Division
Tract 104
Triana-Blackwall Division

HOUSE DISTRICT 7 SHALL CONSIST OF:
All of Lawrence County
In Morgan County
Danville Division
Decatur Division
Remainder of Decatur Division
Tract 51
Enumeration District 270

HOUSE DISTRICT 8 SHALL CONSIST OF:
In Morgan County
Decatur Division
Decatur City
Tract 1
Tract 3
Block 212
Block Groups 3 - 4

Tract 4
Tract 5
Tract 6
Tract 7
Tract 8
Tract 9
Tract 10
Tract 51
Remainder of Decatur Division
Tract 1
Tract 5

HOUSE DISTRICT 9 SHALL CONSIST OF:
In Morgan County
Decatur Division
Decatur City
Tract 2
Tract 3
Block Group 1
Blocks 201 - 211
Blocks 213 - 214
Flint City Town
Tract 51
Trinity Town
Tract 51
Remainder of Decatur Division
Tract 2
Tract 6
Tract 7
Tract 10
Tract 51
Block Groups 1 - 9
Falkville Division
Remainder of Falkville Division
Tract 55
Enumeration District 263
Enumeration District 265

Hartselle Division
Laceys Spring Division
Tract 57
Enumeration District 251
Somerville Division
HOUSE DISTRICT 10 SHALL CONSIST OF:
In Madison County
Arsenal Division
Huntsville City
Tract 111
Remainder of Arsenal Division
Tract 111
Huntsville Division
Huntsville City
Tract 19.03
Blocks 109 - 114
Tract 24
Blocks 106 - 114
Block 201
Tract 25.02
Tract 26
Blocks 211 - 214
Blocks 219 - 221
Block 223
Block Group 3
Tract 27.01
Tract 28.01
Tract 28.02
Tract 29.01
Tract 29.02
Remainder of Huntsville Division
Tract 28.02
Tract 29.01
Block 122
Tract 29.02
New Hope Division

Huntsville City
Tract 113
Owens Crossroads Town
Tract 113
Remainder of New Hope Division
Tract 113

HOUSE DISTRICT 11 SHALL CONSIST OF:
In Cullman County
Baileyton-Joppa Division
Cullman Division
Remainder of Cullman Division
Tract 9999.99
Enumeration District 127A
Holly Pond Division
Simcoe Division
Vinemont Division
Welti Division
In Morgan County
Eva Division
Falkville Division
Falkville Town
Remainder of Falkville Division
Tract 55
Block Groups 1 - 2
Enumeration District 264
Laceys Spring Division
Tract 57
Block Group 1
Enumeration District 250
Enumeration District 252
Enumeration District 253

HOUSE DISTRICT 12 SHALL CONSIST OF:
In Cullman County
Bremen Division
Crane Hill Division
Cullman Division

Cullman City
Good Hope Town
West Point Town
Remainder of Cullman Division
Tract 9999.99
Enumeration District 124A
Enumeration District 125
Enumeration District 126A
Enumeration District 128
Enumeration District 129
Enumeration District 130
Enumeration District 131
Hanceville Division
Jones Chapel Division
Logan Division

HOUSE DISTRICT 13 SHALL CONSIST OF:

In Walker County
Dora Division
Empire Division
Jasper Division
Sipsey Division

HOUSE DISTRICT 14 SHALL CONSIST OF:

In Tuscaloosa County
Samantha Division
Tuscaloosa Division
Tuscaloosa City
Tract 102
Block 252
Remainder of Tuscaloosa Division
Tract 102
Blocks 125 - 126
Block 142
Blocks 201 - 203
Blocks 209 - 210
Blocks 216 - 217
Enumeration District 658A

Windham Springs Division
In Walker County
Carbon Hill Division
Cordova Division
Flat Creek-Wegra Division
Manchester Division
Nauvoo Division
Oakman Division
Parrish Division
Townley Division

HOUSE DISTRICT 15 SHALL CONSIST OF:
All of Pickens County
In Tuscaloosa County
Coker Division
Northport City
Tract 103
Blocks 114 - 115
Blocks 129 - 131
Blocks 136 - 148
Block Group 2
Block Group 9
Tuscaloosa City
Tract 103
Block Group 9
Remainder of Coker Division
Tract 103
Blocks 101 - 104
Blocks 106 - 115
Blocks 130 - 131
Blocks 139 - 140
Block 142
Block 148
Block 155
Block 167
Block Group 2
Block Group 9

Enumeration District 656
Enumeration District 657
Elrod-Moores Bridge-Echola Division
Tuscaloosa Division
Northport City
Tract 102
Blocks 101 - 121
Blocks 123 - 125
Blocks 127 - 128
Block Group 2
Blocks 905 - 906
Blocks 909 - 910
Tract 104.01
Block Groups 3 - 5
Remainder of Tuscaloosa Division
Tract 102
Block 124
Blocks 127 - 128
Blocks 140 - 141
Blocks 204 - 208
Blocks 212 - 215
Blocks 904 - 906
Blocks 909 - 910
Enumeration District 659
Tract 104.01
Block Group 3
Block Group 5

HOUSE DISTRICT 16 SHALL CONSIST OF:

All of Fayette County
All of Lamar County
In Marion County
Guin Division

HOUSE DISTRICT 17 SHALL CONSIST OF:

In Marion County
Bear Creek Division
Remainder of Bear Creek Division

Tract 9999.99
Enumeration District 402U
Bexar Division
Tract 9999.99
Enumeration District 407
Brilliant Division
Hamilton Division
Hamilton City
Remainder of Hamilton Division
Tract 9999.99
Enumeration District 414A
Enumeration District 415A
Enumeration District 415D
Winfield Division
All of Winston County

HOUSE DISTRICT 18 SHALL CONSIST OF:

All of Franklin County
In Marion County
Bear Creek Division
Bear Creek Town
Tract 9999.99
Enumeration District 400
Remainder of Bear Creek Division
Tract 9999.99
Enumeration District 401T
Enumeration District 401U
Enumeration District 402T
Bexar Division
Tract 9999.99
Enumeration District 406
Hackleburg Division
Hamilton Division
Weston Town
Remainder of Hamilton Division
Tract 9999.99
Enumeration District 409B

Enumeration District 409C
Enumeration District 413A
HOUSE DISTRICT 19 SHALL CONSIST OF:
In Madison County
Huntsville Division
Huntsville City
Tract 1
Blocks 122 - 123
Block 221
Block 225
Block Group 3
Tract 2.01
Block Group 1
Block 901
Block 908
Tract 2.02
Block Group 9
Tract 3.01
Blocks 101 - 110
Blocks 217 - 218
Blocks 317 - 321
Tract 3.02
Block Group 1
Tract 4.01
Tract 4.02
Tract 5.02
Tract 5.03
Tract 6.02
Tract 12
Tract 13
Block Group 1
Block 201
Blocks 212 - 220
Tract 15
Block Group 1
Blocks 201 - 208

Block 212
Blocks 214 - 223
Block 225
Tract 16
Blocks 202 - 205
Blocks 209 - 210
Block Group 3
Tract 21
Blocks 101 - 104
Tract 106
Block 901
Remainder of Huntsville Division
Tract 4.01
Tract 5.01
Tract 5.02
Tract 5.03
Tract 106
Block 101
Blocks 103 - 105
Blocks 149 - 150
Blocks 201 - 209
Blocks 901 - 904
Blocks 986 - 989

HOUSE DISTRICT 20 SHALL CONSIST OF:

In Madison County
Huntsville Division
Huntsville City
Tract 1
Blocks 101 - 112
Blocks 114 - 121
Blocks 201 - 205
Block 207
Blocks 209 - 220
Blocks 222 - 223
Block Groups 4 - 5
Tract 9.02

Block 123
Tract 10
Blocks 309 - 324
Blocks 401 - 402
Tract 16
Block Group 1
Block 201
Blocks 206 - 207
Tract 17
Tract 18.01
Tract 18.02
Tract 19.01
Tract 19.02
Tract 19.03
Blocks 102 - 108
Block 117
Tract 20
Tract 21
Blocks 105 - 123
Blocks 125 - 127
Block Groups 2 - 5
Tract 23
Blocks 101 - 106
Blocks 109 - 118
Blocks 201 - 209
Blocks 212 - 220
Blocks 301 - 314
Tract 25.01
Tract 26
Block Group 1
Blocks 201 - 210
Block 222
Tract 27.02
Remainder of Huntsville Division
Tract 19.01
Tract 19.02

Block 904
Tract 27.02
Block 906
Block 918

HOUSE DISTRICT 21 SHALL CONSIST OF:

In Madison County
Huntsville Division
Huntsville City
Tract 2.01
Blocks 902 - 904
Tract 2.02
Block Groups 1 - 2
Tract 3.01
Blocks 111 - 120
Blocks 201 - 216
Blocks 219 - 220
Blocks 301 - 309
Blocks 311 - 316
Tract 3.02
Block Group 2
Tract 5.01
Tract 7.01
Tract 7.02
Tract 8
Tract 9.01
Tract 9.02
Blocks 101 - 122
Tract 10
Block Groups 1 - 2
Blocks 301 - 308
Blocks 417 - 423
Block Groups 5 - 6
Tract 11
Tract 107
Tract 108
Block Group 9

Remainder of Huntsville Division
Tract 2.01
Tract 9.01
Tract 107
Tract 108
Blocks 101 - 102
Blocks 107 - 116
Block Group 9

HOUSE DISTRICT 22 SHALL CONSIST OF:

In Jackson County
Paint Rock Division
Princeton Division
Scottsboro Division
Scottsboro City
Tract 9902
Block Group 1
Blocks 201 - 202
Blocks 204 - 207
Blocks 209 - 251
Block Groups 3 - 4
Remainder of Scottsboro Division
Tract 9999.99
Enumeration District 196
Enumeration District 197

In Madison County
Gurley Division
Hazel Green Division
Tract 103
Huntsville Division
Huntsville City
Tract 108
Block 157
Block 177
Remainder of Huntsville Division
Tract 108
Blocks 103 - 106

Blocks 117 - 178
New Hope Division
New Hope Town
Tract 114
Enumeration District 544
Remainder of New Hope Division
Tract 114
Enumeration District 546
New Market Division
Tract 101
Tract 102

HOUSE DISTRICT 23 SHALL CONSIST OF:

In Jackson County
Bridgeport Division
Bridgeport City
Tract 9999.99
Enumeration District 179
Enumeration District 180
Remainder of Bridgeport Division
Tract 9999.99
Enumeration District 181
Long Island Division
Pisgah Division
Scottsboro Division
Hollywood Town
Tract 9999.99
Enumeration District 195
Scottsboro City
Tract 9901
Tract 9902
Block 203
Block 208
Remainder of Scottsboro Division
Tract 9999.99
Enumeration District 198
Section Division

Stevenson Division

HOUSE DISTRICT 24 SHALL CONSIST OF:

In DeKalb County

Fort Payne Division

Fort Payne City

Remainder of Fort Payne Division

Tract 9999.99

Enumeration District 436

Enumeration District 437A

Enumeration District 438

Fyffe Division

Fyffe Town

Shiloh Town

Remainder of Fyffe Division

Tract 9999.99

Enumeration District 423B

Enumeration District 423C

Enumeration District 423D

Enumeration District 423E

Enumeration District 423F

Enumeration District 423G

Enumeration District 423H

Enumeration District 424A

Henagar Division

Ider Division

Rainsville-Sylvania Division

Valley Head-Mentone Division

HOUSE DISTRICT 25 SHALL CONSIST OF:

In Marshall County

Arab Division

Douglas Division

Remainder of Douglas Division

Tract 310

Enumeration District 824

Grant Division

Guntersville Division

Town Creek Division
Union Grove Division
HOUSE DISTRICT 26 SHALL CONSIST OF:
In DeKalb County
Crossville Division
Crossville Town
Tract 9999.99
Enumeration District 431
Remainder of Crossville Division
Tract 9999.99
Enumeration District 432
Fyffe Division
Lakeview Town
Remainder of Fyffe Division
Tract 9999.99
Enumeration District 425A
Geraldine Division
In Marshall County
Albertville-Boaz Division
Douglas Division
Douglas Town
Tract 310
Enumeration District 823B
Remainder of Douglas Division
Tract 310
Enumeration District 822
Enumeration District 823A
HOUSE DISTRICT 27 SHALL CONSIST OF:
All of Blount County
HOUSE DISTRICT 28 SHALL CONSIST OF:
In Etowah County
Altoona Division
Gadsden Division
Attalla City
Tract 101
Tract 102

Gadsden City
Tract 6
Block Groups 2 - 4
Tract 9
Block Groups 3 - 7
Tract 11
Tract 13
Tract 14
Tract 15
Tract 16
Tract 17
Tract 102
Tract 103
Tract 104
Reece City Town
Tract 101
Remainder of Gadsden Division
Tract 3
Tract 6
Tract 9
Tract 11
Tract 12
Tract 13
Tract 14
Tract 16
Tract 17
Tract 101
Tract 102
Tract 103
Block Group 9
Enumeration District 527
Enumeration District 528
Tract 104
Enumeration District 529

HOUSE DISTRICT 29 SHALL CONSIST OF:

In Etowah County

Gadsden Division
Attalla City
Tract 104
Gadsden City
Tract 1
Tract 2
Tract 3
Tract 4
Blocks 626 - 630
Tract 5
Tract 6
Block Group 1
Tract 7
Tract 8
Tract 9
Block Groups 1 -2
Tract 10
Tract 12
Reece City Town
Tract 4
Tract 103
Ridgeville Town
Tract 103
Remainder of Gadsden Division
Tract 2
Tract 4
Block 627
Tract 103
Block Groups 1 - 2
Enumeration District 525
Enumeration District 526
Lookout Mountain Division
Remainder of Lookout Mountain Division
Tract 108
Enumeration District 502
Enumeration District 503

Mountainboro Division
Boaz City
Tract 110
Mountainboro Town
Tract 110
Sardis City
Tract 110
Remainder of Mountainboro Division
Tract 110
Wills Valley Division

HOUSE DISTRICT 30 SHALL CONSIST OF:

In Etowah County
Gadsden Division
Gadsden City
Tract 4
Block Groups 1 - 5
Blocks 602 - 603
Blocks 606 - 608
Blocks 614 - 616
Blocks 618 - 624
Glencoe City
Tract 105
Rainbow City City
Tract 11
Tract 104
Southside Town
Tract 105
Remainder of Gadsden Division
Tract 4
Block Groups 1 - 3
Tract 104
Block Groups 1 - 2
Block Group 4
Block Groups 8 - 9
Tract 105
Hokes Bluff Division

Lookout Mountain Division
Gadsden City
Remainder of Lookout Mountain Division
Tract 108
Block Group 1
Enumeration District 504
Turkeytown Division
Gadsden City
Tract 107
Remainder of Turkeytown Division
Tract 107
In St. Clair County
Ashville Division
Steele Town
Remainder of Ashville Division

HOUSE DISTRICT 31 SHALL CONSIST OF:

In Coosa County
Goodwater-Kellyton Division
Rockford Division
Weogufka-Marble Valley Division
Tract 9999.99
Enumeration District 79T
Enumeration District 79U
Enumeration District 80
In Elmore County
Deatsville Division
Eclectic Division
Tallassee Division
Tallassee City
Remainder of Tallassee Division
Tract 107
Enumeration District 957
Titus Division
Wetumpka Division
Wetumpka City
Remainder of Wetumpka Division

Tract 105
Enumeration District 963
Enumeration District 964
HOUSE DISTRICT 32 SHALL CONSIST OF:
In Talladega County
Lincoln-Eastaboga Division
Munford Division
Renfroe-Lanier Division
Remainder of Renfroe-Lanier Division
Tract 112
Enumeration District 668
Talladega Division
HOUSE DISTRICT 33 SHALL CONSIST OF:
In Talladega County
Childersburg Division
Renfroe-Lanier Division
Vincent Town
Remainder of Renfroe-Lanier Division
Tract 112
Enumeration District 669
Sycamore-Winterboro Division
Sylacauga Division
HOUSE DISTRICT 34 SHALL CONSIST OF:
In Calhoun County
Anniston Division
Weaver Town
Tract 18
Blocks 202 - 218
Block Group 3
Block Groups 6 - 7
Remainder of Anniston Division
Tract 18
Block Group 1
Blocks 201 - 204
Blocks 206 - 207
Block 218

Block Groups 3 - 6
Choccolocco Division
Tract 20
Block Group 1
Block Group 9
Enumeration District 298
Enumeration District 299
Enumeration District 300
Enumeration District 301
Enumeration District 302
Enumeration District 303
Jacksonville Division
Jacksonville City
Tract 21
Remainder of Jacksonville Division
Tract 21
Tract 24
Blocks 101 - 123
Enumeration District 282
Enumeration District 283
Piedmont Division
Piedmont City
Tract 22
Tract 23
Remainder of Piedmont Division
Tract 22
Enumeration District 280A
Tract 23
Websters Chapel-Alexandria Valley Division
Glencoe City
Tract 25
Remainder of Websters Chapel-Alexandria Valley Division
Tract 25

HOUSE DISTRICT 35 SHALL CONSIST OF:

In Calhoun County
Anniston Division

Blue Mountain Town
Tract 4
Tract 16
Oxford City
Tract 10
Tract 11
Block 201
Blocks 203 - 212
Blocks 301 - 313
Block Groups 4 - 7
Tract 12
Remainder of Anniston Division
Tract 1
Tract 4
Block Groups 2 - 3
Blocks 504 - 505
Blocks 538 - 540
Tract 5
Tract 6
Tract 11
Block Groups 1 - 7
Enumeration District 297
Tract 12
Tract 13
Tract 14
Blocks 201 - 250
Blocks 301 - 312
Blocks 314 - 315
Block Groups 4 - 5
Tract 15
Tract 16
Tract 17
Ohatchee Division
Ohatchee Town
Tract 26
Southside Town

Tract 26
Remainder of Ohatchee Division
Tract 26
HOUSE DISTRICT 36 SHALL CONSIST OF:
In Calhoun County
Anniston Division
Anniston City
Tract 1
Block Groups 1 - 3
Tract 2
Tract 3
Tract 4
Tract 5
Tract 6
Tract 7
Tract 8
Tract 9
Tract 10
Tract 11
Tract 12
Tract 17
Hobson City Town
Tract 12
Weaver Town
Tract 17
Remainder of Anniston Division
Tract 2
Tract 4
Block Group 4
Block 550
Block Group 6
Tract 10
Tract 14
Blocks 101 - 113
Tract 19
Blocks 901 - 902

Choccolocco Division
Tract 20
Block Groups 2 - 3

HOUSE DISTRICT 37 SHALL CONSIST OF:
In Chambers County
Five Points Division
All of Clay County
All of Randolph County

HOUSE DISTRICT 38 SHALL CONSIST OF:
In Chambers County
Lafayette Division
Lanett Division
Langdale Division
Milltown Division
Waverly Division

HOUSE DISTRICT 39 SHALL CONSIST OF:
All of Cherokee County
All of Cleburne County
In DeKalb County
Collinsville Division
Crossville Division
Remainder of Crossville Division
Tract 9999.99
Enumeration District 433
Fyffe Division
Remainder of Fyffe Division
Tract 9999.99
Enumeration District 426

HOUSE DISTRICT 40 SHALL CONSIST OF:
In Bibb County
Piper-Coleanor Division
West Blocton Division
West Blocton Town
Remainder of West Blocton Division
Tract 9999.99
Enumeration District 127

Enumeration District 128
In Shelby County
Alabaster-Helena Division
Alabaster City
Helena Town
Pelham City
Remainder of Alabaster-Helena Division
Tract 303.01
Blocks 119 - 123
Blocks 126 - 127
Blocks 129 - 134
Blocks 144 - 148
Block 150
Block Groups 2 - 3
Tract 303.02
Tract 306.01
Tract 306.02
Block Group 1
Montevallo Division
Remainder of Montevallo Division
Tract 304.01
Enumeration District 19
Tract 304.02
Enumeration District 21

HOUSE DISTRICT 41 SHALL CONSIST OF:
In Shelby County
Alabaster-Helena Division
Remainder of Alabaster-Helena Division
Tract 303.01
Blocks 101 - 118
Block 125
Blocks 135 - 143
Blocks 160 - 161
Enumeration District 9
Enumeration District 10
Tract 306.02

Enumeration District 14
Calera Division
Chelsea Division
Columbiana Division
Montevallo Division
Montevallo City
Wilton Town
Remainder of Montevallo Division
Tract 304.01
Block Group 1
Tract 304.02
Enumeration District 20
Vincent Division
Wilsonville Division

HOUSE DISTRICT 42 SHALL CONSIST OF:

In St. Clair County
Ashville Division
Ashville Town
Moody Division
Pell City Division
Ragland Division
Springville Division

HOUSE DISTRICT 43 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 119.01
Tract 120.02
Block Group 6
Block Group 8
Fultondale City
Tract 119.01
Tract 120.02
Block Group 1
Block 201
Block 203

Blocks 209 - 223
Blocks 225 - 228
Blocks 230 - 233
Block Groups 3 - 4
Block 808
Blocks 849 - 850
Blocks 932 - 934
Blocks 939 - 947
Block 949
Block 951
Block 955
Block 967
Blocks 969 - 971
Gardendale City
Tract 119.01
Tarrant City City
Tract 119.01
Remainder of Birmingham Division
Tract 112.05
Block 107
Blocks 111 - 112
Block 130
Block 135
Block 150
Blocks 152 - 157
Block 165
Tract 119.01
Tract 120.02
Block Group 1
Block Group 3
Block Group 6
Blocks 846 - 847
Clay Division
Tract 111.03
Gardendale Division
Fultondale City

Tract 117.03
Tract 117.05
Tract 117.06
Gardendale City
Tract 117.03
Tract 117.04
Blocks 104 - 113
Tract 117.05
Tract 117.06
Morris Town
Tract 117.05
Remainder of Gardendale Division
Tract 117.03
Tract 117.05
Tract 117.06
Kimberly-Morris Division
County Line Town
Tract 113
Kimberly Town
Tract 113
Morris Town
Tract 113
Trafford Town
Tract 113
Remainder of Kimberly-Morris Division
Tract 113
Palmerdale Division
Tract 112.06

HOUSE DISTRICT 44 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 111.04
Tract 112.03
Tract 112.04

Tract 118.01
Blocks 142 - 143
Blocks 163 - 164
Blocks 168 - 169
Block Groups 6 - 7
Trussville City
Tract 111.04
Remainder of Birmingham Division
Tract 111.04
Tract 112.03
Tract 112.04
Tract 112.05
Block 106
Blocks 114 - 115
Blocks 118 - 121
Blocks 126 - 128
Blocks 138 - 140
Block 151
Block 196
Tract 118.01
Block 143
Block 168
Block Groups 6 - 8
Tract 118.02
Trussville Division
Trussville City
Tract 111.05
Block Group 1
Blocks 204 - 205
Blocks 207 - 236
Block 238
Blocks 240 - 249
Block 303
Remainder of Trussville Division
Tract 111.05

Block Group 1
Blocks 201 - 203
Blocks 210 - 212
Block 246
Block 303

HOUSE DISTRICT 45 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 1
Tract 20
Tract 21
Tract 22
Block Group 3
Tract 53.02
Tract 59.03
Tract 59.04
Tract 59.05
Tract 59.06
Tract 118.01
Block 141
Blocks 165 - 166
Block Group 5
Remainder of Birmingham Division
Tract 20
Tract 21
Tract 53.02
Tract 59.03
Tract 59.04
Tract 59.05
Tract 59.06
Tract 118.01
Block Group 5

HOUSE DISTRICT 46 SHALL CONSIST OF:

In Jefferson County
Birmingham Division

Birmingham City
Tract 108.03
Block Group 5
Homewood City
Tract 108.02
Block 402
Block 410
Irondale City
Tract 108.03
Block Group 5
Tract 108.05
Mountain Brook City
Tract 108.02
Block 402
Blocks 409 - 411
Blocks 418 - 429
Blocks 431 - 432
Blocks 435 - 445
Blocks 447 - 448
Blocks 450 - 453
Blocks 455 - 456
Blocks 461 - 463
Block 470
Tract 108.03
Block Group 5
Tract 108.04
Tract 108.05
Tract 128.01
Tract 129.02
Block Groups 1 - 2
Tract 129.03
Vestavia Hills City
Tract 129.02
Block Group 1
Tract 129.03
Remainder of Birmingham Division

Tract 108.02
Blocks 410 - 411
Tract 108.03
Block Group 5
Tract 108.04
Tract 108.05
Tract 128.01
Tract 129.02
Block Groups 1 - 2
Tract 129.03
Leeds Division
Leeds City
Tract 110
Blocks 226 - 228
Block 230
Blocks 233 - 235
Blocks 238 - 245
Blocks 251 - 252
Block Groups 3 - 5
Tract 127.02
Mountain Brook City
Tract 128.02
Remainder of Leeds Division
Tract 110
Block 228
Block 234
Block Group 3
Block Group 5
Tract 127.02
Tract 128.02

HOUSE DISTRICT 47 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 23.05
Tract 23.06

Tract 47.02
Tract 56
Tract 108.03
Block Group 1
Tract 126.01
Irondale City
Tract 56
Tract 108.03
Block Group 1
Tract 126.02
Tract 127.01
Mountain Brook City
Tract 56
Tract 108.01
Remainder of Birmingham Division
Tract 126.01
Tract 126.02
Tract 127.01
Leeds Division
Leeds City
Tract 110
Block Group 1
Blocks 201 - 225
Block 237
Blocks 246 - 250
Blocks 256 - 257
Remainder of Leeds Division
Tract 110
Block Group 1
Trussville Division
Trussville City
Tract 111.05
Block 237
Block 239
Block 250
Blocks 301 - 302

Blocks 304 - 307
Remainder of Trussville Division
Tract 111.05
Block 205
Block 241
Block 244
Blocks 248 - 250
Block 304
Blocks 307 - 322
Blocks 324 - 343
Block 346
Block 350
Block Group 9

HOUSE DISTRICT 48 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Hoover City
Tract 129.02
Block Group 4
Tract 129.04
Vestavia Hills City
Tract 129.01
Block Groups 2 - 3
Tract 129.02
Block Group 4
Remainder of Birmingham Division
Tract 129.01
Block Groups 2 - 3
Tract 129.02
Block Group 4
Tract 129.04
Hoover Division
Hoover City
Tract 144.01
Block Group 3
Tract 144.02

Vestavia Hills City
Tract 144.01
Block Groups 2 - 3
Tract 144.02
Remainder of Hoover Division
Tract 144.01
Block Groups 2 - 3
Tract 144.02

HOUSE DISTRICT 49 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 34
Tract 35
Tract 36
Block Groups 1 - 6
Tract 37
Block Group 4
Block Group 6
Tract 123.01
Block Group 9
Tract 135
Brighton City
Tract 134
Fairfield City
Tract 106.03
Tract 134
Hueytown City
Tract 100.01
Midfield City
Tract 134
Pleasant Grove City
Tract 123.01
Block Group 3
Blocks 401 - 415
Block 422

Block Groups 5 - 6
Block Group 9
Remainder of Birmingham Division
Tract 35
Tract 100.01
Tract 123.01
Block 502
Block 508
Blocks 513 - 514
Blocks 549 - 550
Block Group 9
Tract 135
Maytown-Sylvan Springs Division
Birmingham City
Tract 123.02
Block Group 1
Block Group 9
Maytown Town
Tract 123.02
Block Group 1
Block Group 5
Block 925
Pleasant Grove City
Tract 123.02
Block Group 1
Sylvan Springs Town
Tract 123.02
Block Group 1
Remainder of Maytown-Sylvan Springs Division
Tract 123.02
Block Group 1
Block Group 8

HOUSE DISTRICT 50 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Bessemer City

Tract 100.02
Tract 104.02
Tract 138.01
Block Group 7
Tract 141.03
Tract 141.05
Tract 143.01
Block Group 4
Hueytown City
Tract 100.02
Tract 139.02
Remainder of Birmingham Division
Tract 100.02
Tract 104.02
Tract 138.01
Block Group 7
Tract 139.02
Tract 141.03
Tract 141.05
Tract 143.01
Block Group 4
Block 601
Concord-Hopkins Division
Hueytown City
Tract 140
Remainder of Concord-Hopkins Division
Tract 140
Block Groups 1 - 2
Block Group 9
Graysville-Adamsville Division
Adamsville City
Tract 124.03
Maytown Town
Tract 124.03
Remainder of Graysville-Adamsville Division
Tract 124.03

Greenwood Division
Remainder of Greenwood Division
Tract 142.02
Tract 142.03
Blocks 101 - 131
Block Group 9
Enumeration District 126
Maytown-Sylvan Springs Division
Remainder of Maytown-Sylvan Springs Division
Tract 123.02
Enumeration District 115
Enumeration District 116
Enumeration District 117
Enumeration District 118
North Johns Division
North Johns Town
Tract 141.02
Remainder of North Johns Division
Tract 141.02
West Jefferson Division
West Jefferson Town
Tract 122
Remainder of West Jefferson Division
Tract 122

HOUSE DISTRICT 51 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 124.02
Block Group 1
Block 216
Block 221
Block Group 4
Block Group 9
Tract 125
Brookside Town

Tract 120.01
Block Group 7
Maytown Town
Tract 125
Mulga Town
Tract 125
Remainder of Birmingham Division
Tract 120.01
Block Group 7
Tract 124.02
Block 216
Blocks 221 - 222
Blocks 401 - 404
Blocks 410 - 415
Blocks 417 - 420
Blocks 422 - 426
Block Group 5
Block Group 9
Tract 125
Brookside Division
Brookside Town
Tract 116
Cardiff Town
Tract 116
Remainder of Brookside Division
Tract 116
Gardendale Division
Kimberly Town
Tract 117.04
Block 117
Morris Town
Tract 117.04
Block 118
Remainder of Gardendale Division
Tract 117.04
Blocks 101 - 104

Block 106
Block 108
Blocks 117 - 120
Enumeration District 102
Graysville-Adamsville Division
Adamsville City
Tract 121.03
Tract 121.04
Graysville City
Tract 121.03
Tract 121.04
Remainder of Graysville-Adamsville Division
Tract 121.03
Tract 121.04
Robbins Crossroads Division
Sumiton Town
Tract 115
Remainder of Robbins Crossroads Division
Tract 115
Warrior Division
Trafford Town
Tract 114
Warrior City
Tract 114
Remainder of Warrior Division
Tract 114

HOUSE DISTRICT 52 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 37
Block Groups 2 - 3
Tract 38.02
Block Groups 4 - 5
Blocks 608 - 616
Blocks 620 - 623

Blocks 625 - 626
Tract 38.03
Tract 39
Block Group 1
Block Group 3
Tract 40
Blocks 108 - 118
Blocks 122 - 123
Block Groups 2 - 8
Tract 52
Tract 57.02
Tract 130.01
Tract 130.02
Remainder of Birmingham Division
Tract 130.01
Tract 130.02

HOUSE DISTRICT 53 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 28.01
Tract 28.02
Tract 29
Tract 30.02
Tract 40
Block 104
Block 106
Blocks 120 - 121
Tract 41
Tract 42
Tract 44
Tract 49
Blocks 116 - 119
Block 205
Blocks 402 - 413
Block Group 7

Blocks 801 - 820
Tract 50
Tract 51.01
Tract 51.02
Tract 58
Blocks 908 - 911
Homewood City
Tract 50
Tract 51.02
Tract 58
Block 916
Remainder of Birmingham Division
Tract 50
Tract 51.02

HOUSE DISTRICT 54 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 6
Tract 7
Blocks 206 - 209
Blocks 214 - 217
Blocks 219 - 224
Block Group 3
Tract 14
Tract 15
Tract 16
Tract 17
Tract 25
Tract 26.01
Tract 26.02
Tract 27
Tract 45
Tract 46
Tract 47.01
Tract 47.03

Tract 48
Block 108
Blocks 112 - 113
Blocks 125 - 128
Tract 49
Blocks 105 - 115
Block 127
Block 401

HOUSE DISTRICT 55 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 48
Blocks 101 - 104
Block 107
Block 109
Block Groups 2 - 3
Tract 49
Blocks 207 - 210
Block 232
Blocks 235 - 236
Block Group 3
Tract 58
Block 907
Block 912
Homewood City
Tract 58
Block 913
Block 925
Tract 107.01
Tract 107.02
Tract 107.03
Tract 107.04
Tract 107.05
Tract 107.06
Tract 129.01

Block Group 2
Tract 129.02
Block Groups 1 - 2
Mountain Brook City
Tract 107.03
Remainder of Birmingham Division
Tract 49
Block Group 3
Tract 107.03
Tract 107.04
Tract 107.05
Tract 107.06
Greenwood Division
Bessemer City
Tract 142.04
Remainder of Greenwood Division
Tract 142.04
Hoover Division
Bessemer City
Tract 143.02
Block Group 2
Birmingham City
Tract 143.02
Block Group 1
Homewood City
Tract 144.01
Block 106
Block 140
Blocks 142 - 146
Hoover City
Tract 144.03
Lipscomb City
Tract 143.02
Block Group 3
Vestavia Hills City
Tract 144.03

Remainder of Hoover Division
Tract 143.02
Block Group 1
Block Group 3
Blocks 903 - 905
Tract 144.01
Block 106
Blocks 109 - 114
Block 119
Blocks 124 - 125
Blocks 140 - 143
Blocks 145 - 146
Tract 144.03

HOUSE DISTRICT 56 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Bessemer City
Tract 101
Tract 102
Tract 103.01
Block Groups 5 - 7
Tract 103.02
Tract 104.01
Tract 138.01
Block Groups 2 - 3
Block Group 6
Tract 138.02
Tract 141.04
Tract 143.01
Block Group 3
Blocks 603 - 606
Blocks 609 - 612
Block 620
Brighton City
Tract 101
Hueytown City

Tract 123.01
Block Group 7
Tract 139.01
Lipscomb City
Tract 103.02
Midfield City
Tract 136.02
Remainder of Birmingham Division
Tract 101
Tract 102
Tract 103.01
Block Groups 5 - 6
Tract 103.02
Tract 104.01
Tract 123.01
Block Group 7
Tract 136.02
Tract 138.01
Block Groups 2 - 6
Tract 138.02
Tract 139.01
Tract 141.04
Tract 143.01
Block Group 3
Blocks 602 - 604
Block 612
Block 620
Hoover Division
Remainder of Hoover Division
Tract 143.02
Block 901
Blocks 909 - 910

HOUSE DISTRICT 57 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Bessemer City

Tract 133
Tract 137
Birmingham City
Tract 36
Block Group 7
Tract 38.01
Tract 38.02
Block 624
Block 627
Blocks 630 - 631
Block Group 8
Tract 57.01
Tract 131
Brighton City
Tract 133
Tract 136.01
Tract 137
Block Groups 1 - 2
Blocks 303 - 310
Block 312
Blocks 315 - 316
Blocks 318 - 319
Blocks 321 - 322
Blocks 324 - 325
Block 327
Blocks 330 - 338
Block 340
Brownville City
Tract 105
Tract 131
Tract 133
Fairfield City
Tract 106.01
Tract 106.02
Tract 132
Lipscomb City

Tract 105
Tract 133
Midfield City
Tract 106.02
Tract 132
Tract 133
Tract 136.01
Tract 137
Roosevelt City City
Tract 133
Tract 137
Remainder of Birmingham Division
Tract 57.01
Tract 105
Tract 106.01
Tract 131
Tract 132
Tract 133
Tract 136.01
Tract 137
Block Groups 1 - 2
Block 303
Block Group 4

HOUSE DISTRICT 58 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 2
Tract 3
Tract 5
Blocks 301 - 303
Block 315
Block 321
Blocks 401 - 404
Blocks 406 - 414
Block 416

Block 418
Tract 18.01
Tract 18.02
Tract 19.01
Tract 19.02
Tract 22
Block Groups 1 - 2
Block Group 4
Tract 23.03
Tract 23.04
Tract 24
Tract 53.01
Tract 119.02
Tract 119.03
Irondale City
Tract 22
Tarrant City City
Tract 109
Block Groups 1 - 7
Tract 119.02
Tract 119.03
Remainder of Birmingham Division
Tract 22
Tract 119.02

HOUSE DISTRICT 59 SHALL CONSIST OF:

In Jefferson County
Birmingham Division
Birmingham City
Tract 4
Tract 5
Block Groups 1 - 2
Block 304
Blocks 307 - 309
Block 311
Blocks 317 - 320
Block Groups 5 - 6

Tract 7
Block Group 1
Block Groups 4 - 7
Tract 8
Tract 9
Tract 10
Blocks 411 - 413
Block 423
Tract 54
Tract 55
Tract 120.01
Block Group 9
Tract 120.02
Block Group 5
Block Group 9
Fultondale City
Tract 55
Tarrant City City
Tract 109
Block Group 8
Remainder of Birmingham Division
Tract 8
Tract 55
Tract 120.01
Block Group 6
Block Group 9
Tract 120.02
Block Group 2
Block Group 5
Block 930
Block 939
Block 949
Block 951
Blocks 966 - 967

HOUSE DISTRICT 60 SHALL CONSIST OF:

In Jefferson County

Birmingham Division
Birmingham City
Tract 10
Block Group 3
Block 402
Blocks 405 - 407
Blocks 409 - 410
Block 418
Block 421
Blocks 424 - 425
Block 427
Tract 11
Tract 12
Tract 30.01
Tract 31
Tract 32
Tract 33
Tract 37
Block Group 1
Block Group 5
Tract 39
Block Group 2
Block Group 4
Tract 124.01
Tract 124.02
Block 206
Remainder of Birmingham Division
Tract 11
Tract 124.01
Tract 124.02
Blocks 206 - 207
Block 211
Blocks 223 - 228

HOUSE DISTRICT 61 SHALL CONSIST OF:

In Tuscaloosa County
Tuscaloosa Division

Northport City
Tract 104.01
Block Groups 1 - 2
Tuscaloosa City
Tract 104.01
Block Groups 1 - 2
Tract 115
Tract 116
Tract 117
Tract 118
Tract 119
Tract 124
Tract 125
Blocks 103 - 107
Block 141
Remainder of Tuscaloosa Division
Tract 104.01
Block Group 2
Tract 116
Tract 117
Tract 119
Tract 124
Tract 125
Blocks 102 - 107
Block 111
Block 141

HOUSE DISTRICT 62 SHALL CONSIST OF:

In Tuscaloosa County
Abernant Division
Vance Town
Tract 106
Remainder of Abernant Division
Tract 106
Big Sandy-Duncanville Division
Moundville Town
Tract 107

Remainder of Big Sandy-Duncanville Division
Tract 107
Brookwood Division
Brookwood Town
Tract 106
Tuscaloosa City
Tract 106
Remainder of Brookwood Division
Tract 106
Coaling-Vance Division
Vance Town
Tract 107
Remainder of Coaling-Vance Division
Tract 107
Coker Division
Northport City
Tract 103
Block 125
Block 132
Block 149
Tuscaloosa City
Tract 103
Block 125
Blocks 132 - 135
Block 149
Remainder of Coker Division
Tract 103
Block 125
Block 132
Blocks 150 - 154
Blocks 156 - 159
Blocks 161 - 166
Blocks 168 - 169
Fosters Division
Tract 103
Tuscaloosa Division

Tuscaloosa City
- Tract 108
  - Blocks 205 - 206
  - Blocks 298 - 299
  - Block Group 4
- Tract 122
- Tract 123
- Tract 125
  - Block Group 2

Remainder of Tuscaloosa Division
- Tract 108
  - Block 207
  - Blocks 209 - 213
  - Blocks 215 - 216
  - Block 218
  - Blocks 222 - 224
  - Blocks 227 - 229
  - Block 231
  - Blocks 236 - 237
  - Block 239
  - Blocks 298 - 299
  - Blocks 301 - 308
  - Blocks 310 - 318
  - Block 340
  - Block 351
  - Block 398
  - Block Group 4
- Tract 123
- Tract 125
  - Blocks 108 - 110
  - Blocks 112 - 120
  - Blocks 123 - 132
  - Block 134
  - Blocks 152 - 154
  - Block Group 2
  - Enumeration District 673

HOUSE DISTRICT 63 SHALL CONSIST OF:

In Tuscaloosa County

Tuscaloosa Division

Northport City

Tract 104.02

Tuscaloosa City

Tract 104.02

Tract 105

Tract 108

Block Group 1

Block 203

Block 235

Blocks 322 - 324

Block 399

Block Group 9

Tract 109

Tract 110

Tract 111

Tract 112

Tract 113

Tract 114

Tract 120

Tract 121

Remainder of Tuscaloosa Division

Tract 104.02

Tract 105

Tract 108

Block Group 1

Block 235

Blocks 328 - 329

Block 399

Block Group 9

Tract 109

HOUSE DISTRICT 64 SHALL CONSIST OF:

All of Conecuh County

All of Monroe County

HOUSE DISTRICT 65 SHALL CONSIST OF:
In Clarke County
Coffeeville Division
Fulton Division
Grove Hill Division
Jackson Northwest Division
Jackson Southeast Division
All of Washington County
HOUSE DISTRICT 66 SHALL CONSIST OF:
In Choctaw County
Butler Division
Remainder of Butler Division
Tract 9999.99
Enumeration District 334T
Enumeration District 334U
Gilbertown-Toxey Division
Gilbertown Town
Tract 9999.99
Enumeration District 336
Toxey Town
Tract 9999.99
Enumeration District 335
Enumeration District 337B
Remainder of Gilbertown-Toxey Division
Tract 9999.99
Enumeration District 337A
Silas Division
In Clarke County
Thomasville Division
All of Marengo County
HOUSE DISTRICT 67 SHALL CONSIST OF:
In Choctaw County
Butler Division
Butler City
Remainder of Butler Division
Tract 9999.99

Enumeration District 333A
Gilbertown-Toxey Division
Remainder of Gilbertown-Toxey Division
Tract 9999.99
Enumeration District 338T
Enumeration District 338U
Lisman Division
All of Greene County
All of Sumter County

HOUSE DISTRICT 68 SHALL CONSIST OF:

In Dallas County
Carlowville Division
Orrville Division
Safford Division
Sardis Division
Tract 9999.99
Enumeration District 63
All of Hale County
All of Perry County

HOUSE DISTRICT 69 SHALL CONSIST OF:

In Dallas County
Craig-Tyler Division
Sardis Division
Tract 9999.99
Enumeration District 61
Enumeration District 62
All of Lowndes County
All of Wilcox County

HOUSE DISTRICT 70 SHALL CONSIST OF:

In Dallas County
Selma Division

HOUSE DISTRICT 71 SHALL CONSIST OF:

All of Autauga County
In Chilton County
Clanton Division
Remainder of Clanton Division

Tract 602
Enumeration District 517
Verbena Division
Tract 607
Enumeration District 519
Enumeration District 520
Enumeration District 521

HOUSE DISTRICT 72 SHALL CONSIST OF:

In Bibb County
Centreville-Brent Division
West Blocton Division
Remainder of West Blocton Division
Tract 9999.99
Enumeration District 129
In Chilton County
Clanton Division
Clanton City
Remainder of Clanton Division
Tract 601
Enumeration District 515T
Enumeration District 515U
Enumeration District 516
Tract 602
Enumeration District 518
Isabella-Pletcher Division
Tract 606
Enumeration District 522
Enumeration District 527
Jemison Division
Maplesville Division
Mineral Springs Division

HOUSE DISTRICT 73 SHALL CONSIST OF:

In Montgomery County
Montgomery Division
Montgomery City
Tract 13

Block Groups 1 - 2
Tract 14
Blocks 101 - 102
Blocks 107 - 122
Block Groups 2 - 3
Blocks 401 - 412
Blocks 508 - 520
Tract 15
Blocks 111 - 113
Blocks 118 - 122
Block Group 2
Blocks 301 - 308
Tract 16
Block Groups 2 - 6
Tract 20
Tract 21
Tract 22
Block Groups 1 - 2
Tract 28
Tract 33
Tract 54.05
Tract 56.02

HOUSE DISTRICT 74 SHALL CONSIST OF:

In Montgomery County
Montgomery Division
Montgomery City
Tract 5
Tract 16
Block Group 1
Tract 17
Tract 18
Tract 19
Tract 26
Tract 27
Tract 53.01
Tract 53.02

Tract 54.02
Tract 54.03
HOUSE DISTRICT 75 SHALL CONSIST OF:
In Montgomery County
Hope Hull Division
Remainder of Hope Hull Division
Montgomery Division
Montgomery City
Tract 29
Tract 31
Tract 32
Tract 54.01
Tract 54.04
Tract 56.03
Remainder of Montgomery Division
Tract 54.01
Tract 54.04
Tract 56.03
Mount Meigs Division
Tract 55
Pike Road Division
Montgomery City
Tract 56.01
Remainder of Pike Road Division
Tract 56.01
Pine Level Division
Tract 57
Ramer Division
Tract 58
HOUSE DISTRICT 76 SHALL CONSIST OF:
In Elmore County
Elmore Division
Tallassee Division
Remainder of Tallassee Division
Tract 107
Enumeration District 958

Wetumpka Division
Remainder of Wetumpka Division
Tract 105
Enumeration District 965T
Enumeration District 965U
Enumeration District 966
In Montgomery County
Montgomery Division
Montgomery City
Tract 4
Blocks 101 - 103
Blocks 105 - 106
Block 109
Blocks 111 - 113
Block 115
Blocks 117 - 118
Blocks 204 - 213
Block Group 3
Block 408
Blocks 410 - 414
Block Groups 5 - 6
Block 823
Tract 9
Tract 10
Block Group 1
Tract 25
Block Group 2
Tract 51.01
Tract 51.03
Tract 60.01
Block Groups 1 - 2
Block 901
Blocks 904 - 924
Block 931
Remainder of Montgomery Division
Tract 51.01

Tract 60.01

HOUSE DISTRICT 77 SHALL CONSIST OF:

In Montgomery County

Montgomery Division

Montgomery City

Tract 1

Tract 2

Tract 3

Block Groups 1 - 5

Block 655

Block Groups 8 - 9

Tract 4

Block 114

Blocks 201 - 202

Block 407

Block Group 7

Blocks 812 - 817

Blocks 820 - 822

Tract 6

Tract 7

Tract 11

Block Groups 2 - 4

Blocks 502 - 503

Blocks 505 - 506

Blocks 509 - 514

Block 520

Block 524

Block 527

Blocks 529 - 530

Blocks 604 - 605

Block Group 8

Tract 12

Tract 13

Block Group 4

Tract 14

Blocks 103 - 106

Blocks 413 - 418
Blocks 501 - 507
Tract 15
Blocks 106 - 107
Blocks 114 - 117
Block 124
Blocks 309 - 315
Blocks 317 - 321
Block Groups 4 - 5
Block Group 7
Tract 25
Block Group 1
Tract 51.02
Remainder of Montgomery Division
Tract 3
Tract 51.02

HOUSE DISTRICT 78 SHALL CONSIST OF:

In Montgomery County
Hope Hull Division
Montgomery City
Tract 59.01
Tract 59.02
Montgomery Division
Montgomery City
Tract 10
Block Groups 2 - 9
Tract 11
Block Group 1
Block 528
Block 601
Block 615
Blocks 625 - 626
Blocks 628 - 629
Block 632
Block 634
Block Group 7

Tract 13
Block Group 3
Tract 22
Block Groups 3 - 9
Tract 23
Tract 24
Tract 30
Tract 60.01
Blocks 902 - 903
Blocks 988 - 989
Tract 60.02
Remainder of Montgomery Division
Tract 60.02

HOUSE DISTRICT 79 SHALL CONSIST OF:
In Lee County
Auburn-Opelika Division
Auburn City
Tract 401
Tract 402
Tract 403
Tract 404
Tract 405
Tract 406
Tract 407
Tract 408
Tract 409
Tract 411
Tract 417
Opelika City
Tract 405
Remainder of Auburn-Opelika Division
Tract 404
Tract 405
Tract 406
Tract 409
Beauregard-Marvyn Division

Auburn City
Tract 421
Block Group 3
Remainder of Beauregard-Marvyn Division
Tract 421
Block Groups 2 - 3
Enumeration District 536
Enumeration District 538
Enumeration District 539
Enumeration District 540
Loachapoka-Roxana Division

HOUSE DISTRICT 80 SHALL CONSIST OF:

In Lee County
Auburn-Opelika Division
Opelika City
Tract 411
Tract 412
Tract 413
Tract 414
Tract 415
Tract 416
Tract 417
Remainder of Auburn-Opelika Division
Tract 411
Tract 412
Tract 417
Beauregard-Marvyn Division
Auburn City
Tract 421
Block Group 1
Remainder of Beauregard-Marvyn Division
Tract 421
Block Group 1
Enumeration District 537
Beulah Division
Smiths-Salem Division

HOUSE DISTRICT 81 SHALL CONSIST OF:
All of Tallapoosa County
HOUSE DISTRICT 82 SHALL CONSIST OF:
All of Bullock County
All of Macon County
HOUSE DISTRICT 83 SHALL CONSIST OF:
In Russell County
Phenix City Division
Phenix City City
Remainder of Phenix City Division
Tract 304
Tract 305
Tract 306
Tract 308
Tract 309.01
Tract 309.02
Block Group 1
Block Group 9
Enumeration District 377
Enumeration District 378
HOUSE DISTRICT 84 SHALL CONSIST OF:
All of Barbour County
In Russell County
Cottonton-Seale Division
Crawford Division
Hurtsboro Division
Phenix City Division
Remainder of Phenix City Division
Tract 309.02
Enumeration District 376
HOUSE DISTRICT 85 SHALL CONSIST OF:
All of Henry County
In Houston County
Columbia Division
Columbia Town
Tract 417

Remainder of Columbia Division
Tract 417
Dothan Division
Cowarts Town
Tract 416
Dothan City
Tract 406
Tract 412
Tract 413
Tract 414
Tract 415
Tract 416
Kinsey Town
Tract 415
Tract 416
Webb Town
Tract 416
Remainder of Dothan Division
Tract 414
Tract 415
Tract 416
Gordon Division
Gordon Town
Tract 418
Remainder of Gordon Division
Tract 418

HOUSE DISTRICT 86 SHALL CONSIST OF:

In Houston County
Cottonwood Division
Remainder of Cottonwood Division
Tract 420
Enumeration District 768A
Enumeration District 770A
Dothan Division
Ashford Town
Tract 419

Avon Town
Tract 419
Cowarts Town
Tract 419
Dothan City
Tract 402
Block Group 4
Tract 403
Tract 404
Tract 405
Tract 407
Tract 408
Tract 409
Tract 410
Tract 411
Tract 419
Taylor Town
Tract 408
Remainder of Dothan Division
Tract 403
Tract 408
Tract 409
Tract 419

HOUSE DISTRICT 87 SHALL CONSIST OF:

In Geneva County
Bellwood-Coffee Springs Division
Geneva Division
Hartford Division
Samson Division
Slocomb Division
Malvern Town
Slocomb Town
Remainder of Slocomb Division
Tract 505
Tract 506

In Houston County

Cottonwood Division
Cottonwood Town
Tract 420
Remainder of Cottonwood Division
Tract 420
Enumeration District 767B
Enumeration District 769A
Dothan Division
Dothan City
Tract 401
Tract 402
Block Groups 1 - 3
Block Groups 6 - 7
Block Group 9
Remainder of Dothan Division
Tract 401
Tract 402
Block Groups 1 - 2
Block Groups 6 - 7
Block Group 9
Madrid Division
Dothan City
Tract 421
Madrid Town
Tract 421
Taylor Town
Tract 421
Remainder of Madrid Division
Tract 421

HOUSE DISTRICT 88 SHALL CONSIST OF:

In Dale County
Daleville Division
Clayhatchee Town
Tract 212
Daleville City
Tract 211

Tract 212
Enterprise City
Tract 211
Level Plains Town
Tract 211
Remainder of Daleville Division
Tract 211
Enumeration District 679A
Enumeration District 680
Enumeration District 681
Enumeration District 682
Enumeration District 683
Tract 212
Echo Division
Fort Rucker Division
Daleville City
Tract 209
Newton Town
Tract 210
Remainder of Fort Rucker Division
Tract 209
Enumeration District 667
Enumeration District 668
Tract 210
Newton-Midland City Division
Dothan City
Tract 213
Tract 214
Grimes Town
Tract 214
Midland City Town
Tract 213
Tract 214
Napier Field Town
Tract 214
Newton Town

Tract 213
Tract 214
Pinckard Town
Tract 213
Tract 214
Remainder of Newton-Midland City Division
Tract 213
Tract 214
Ozark Division
Newton Town
Tract 203
Tract 210
Ozark City
Tract 205
Blocks 101 - 102
Blocks 118 - 129
Block Group 2
Tract 207
Blocks 147 - 149
Blocks 213 - 217
Blocks 219 - 221
Blocks 306 - 315
Blocks 318 - 324
Block Group 4
Tract 208
Remainder of Ozark Division
Tract 201
Enumeration District 654
Tract 203
Enumeration District 662
Enumeration District 663
Tract 205
Tract 207
Enumeration District 731
Tract 208
Enumeration District 661A

HOUSE DISTRICT 89 SHALL CONSIST OF:

In Dale County

Ozark Division

Ariton Town

Ozark City

Tract 201

Tract 204

Tract 205

Blocks 103 - 117

Tract 206

Tract 207

Blocks 101 - 146

Blocks 201 - 212

Block 218

Blocks 301 - 305

Blocks 316 - 317

Remainder of Ozark Division

Tract 201

Enumeration District 655A

Tract 204

Block Group 1

Enumeration District 656

Enumeration District 657

Enumeration District 658A

Tract 207

Enumeration District 659

Tract 208

Enumeration District 660

All of Pike County

HOUSE DISTRICT 90 SHALL CONSIST OF:

All of Butler County

All of Crenshaw County

HOUSE DISTRICT 91 SHALL CONSIST OF:

All of Coffee County

HOUSE DISTRICT 92 SHALL CONSIST OF:

All of Covington County

HOUSE DISTRICT 93 SHALL CONSIST OF:

All of Escambia County

HOUSE DISTRICT 94 SHALL CONSIST OF:

In Baldwin County

Daphne Division

Daphne City

Tract 107

Tract 108

Block Groups 1 - 2

Remainder of Daphne Division

Tract 107

Blocks 101 - 106

Blocks 111 - 122

Block 129

Blocks 131 - 133

Blocks 137 - 145

Blocks 151 - 192

Blocks 194 - 199

Blocks 201 - 254

Enumeration District 411

Enumeration District 412

Enumeration District 413

Enumeration District 414

Enumeration District 444

Tract 108

Block Groups 1 - 2

Fairhope Division

Foley Division

HOUSE DISTRICT 95 SHALL CONSIST OF:

In Baldwin County

Bay Minette Division

Daphne Division

Remainder of Daphne Division

Tract 107

Blocks 107 - 110

Blocks 123 - 128

Block 130
Blocks 134 - 136
Blocks 146 - 150
Elberta Division
Robertsdale Division
Stockton Division
Summerdale Division

HOUSE DISTRICT 96 SHALL CONSIST OF:

In Mobile County
Mobile Division
Chickasaw City
Tract 38.02
Tract 50
Tract 51
Tract 52
Tract 53
Tract 54
Creola Town
Tract 38.02
Tract 57
Mobile City
Tract 38.02
Tract 38.99
Tract 52
Tract 53
Tract 54
Tract 56
Saraland City
Tract 38.02
Tract 54
Tract 55
Tract 56
Tract 57
Block Group 9
Tract 61
Satsuma City

Tract 56
Tract 57
Remainder of Mobile Division
Tract 38.02
Tract 54
Tract 56
Tract 57
Tract 61
Block 227
Block 801
Block 827
Blocks 829 - 834
Block 901
Blocks 904 - 906
Block 913
Blocks 918 - 919
Block 924
Block 944
Block 958
Block 964
Block 970
Block 976
Blocks 978 - 982
Mount Vernon Division

HOUSE DISTRICT 97 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 9.01
Block Group 3
Tract 9.02
Tract 9.03
Tract 14
Block Group 4
Blocks 501 - 512
Blocks 514 - 515

Block Group 6
Tract 15.01
Tract 23.01
Block Groups 1 - 2
Blocks 302 - 303
Blocks 308 - 309
Tract 23.02
Tract 24
Tract 25.01
Tract 25.02
Tract 27
Tract 28
Tract 29

HOUSE DISTRICT 98 SHALL CONSIST OF:

In Mobile County
Mobile Division
Chickasaw City
Tract 45
Mobile City
Tract 26
Blocks 101 - 102
Block 115
Block 601
Blocks 604 - 605
Tract 39.01
Tract 39.02
Tract 45
Block 101
Blocks 124 - 125
Tract 49
Prichard City
Tract 34.01
Block 122
Tract 34.02
Tract 39.01
Tract 39.02

Tract 40
Tract 41
Tract 42
Block Group 1
Blocks 201 - 203
Blocks 210 - 219
Block Group 3
Tract 45
Tract 46
Block Groups 1 - 2
Tract 47
Tract 48
Tract 49
Tract 50
Tract 61

HOUSE DISTRICT 99 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 5
Block Groups 1 - 2
Block Groups 4 - 7
Tract 6
Tract 7.01
Tract 7.02
Tract 8
Tract 12.01
Tract 26
Blocks 103 - 114
Block Groups 2 - 5
Block 602
Tract 38.01
Tract 43
Tract 44
Tract 45
Block 113

Blocks 128 - 129
Block Group 2
Prichard City
Tract 12.01
Tract 42
Blocks 204 - 209
Tract 43
Tract 44
Tract 46
Block Group 3
Remainder of Mobile Division
Tract 12.01
Tract 43

HOUSE DISTRICT 100 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 34.03
Tract 34.04
Tract 34.05
Blocks 101 - 102
Blocks 105 - 115
Blocks 117 - 126
Blocks 129 - 134
Tract 34.06
Blocks 110 - 122
Blocks 128 - 131
Tract 36.01
Tract 36.02
Tract 36.03
Tract 37.01
Tract 37.02
Block Group 3
Remainder of Mobile Division
Tract 34.03
Blocks 501 - 503

Blocks 907 - 908
Block 911
Blocks 913 - 914
Block 930
Tanner-Williams Division
Tract 64
Block 856

HOUSE DISTRICT 101 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 31
Block 101
Block 103
Block 105
Blocks 108 - 110
Blocks 116 - 118
Blocks 124 - 129
Block Group 3
Tract 32.01
Tract 32.02
Tract 32.03
Tract 33.01
Tract 33.02
Tract 34.01
Tract 34.02
Tract 34.06
Blocks 102 - 105
Blocks 107 - 108
Blocks 125 - 127
Tract 35.01
Tract 35.02
Tract 61
Remainder of Mobile Division
Tract 34.01
Block 122

Tract 34.02
Block 127
Tract 61
Blocks 212 - 213
Block 977

HOUSE DISTRICT 102 SHALL CONSIST OF:

In Mobile County
Citronelle Division
Mobile Division
Mobile City
Tract 68
Remainder of Mobile Division
Tract 34.03
Block Group 4
Block 504
Block 510
Block 906
Tract 61
Blocks 802 - 826
Block 912
Block 972
Enumeration District 571
Tract 68
Blocks 210 - 211
Blocks 230 - 234
Block Group 3
Semmes Division
Tanner-Williams Division
Tract 64
Block Groups 1 - 2
Blocks 301 - 320
Blocks 322 - 323
Block Group 4
Blocks 801 - 819
Blocks 821 - 823
Blocks 831 - 853

Block 855
Block 901
Blocks 904 - 906
Block 915
Blocks 990 - 991
Enumeration District 542T
Enumeration District 542U
Enumeration District 543

HOUSE DISTRICT 103 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 1
Tract 2
Tract 3
Tract 4.01
Tract 4.02
Tract 5
Block Group 3
Tract 9.01
Block Groups 1 - 2
Tract 10.01
Tract 10.02
Tract 11
Tract 12.02
Tract 12.99
Tract 13.01
Tract 13.02
Tract 14
Block Groups 1 - 3
Tract 15.02
Tract 16
Tract 17
Tract 18
Blocks 101 - 102
Blocks 104 - 114

Blocks 117 - 119
Blocks 121 - 124
Tract 19.01
Blocks 101 - 102
Block 110
Tract 19.02
Blocks 101 - 105
Blocks 108 - 110
Block 116
Blocks 120 - 121

HOUSE DISTRICT 104 SHALL CONSIST OF:

In Mobile County
Mobile Division
Mobile City
Tract 18
Block Group 2
Tract 19.01
Blocks 106 - 108
Blocks 111 - 115
Block Group 2
Tract 19.02
Block 111
Blocks 113 - 115
Block 117
Block Group 2
Blocks 302 - 309
Blocks 312 - 315
Tract 20
Tract 21
Blocks 101 - 109
Blocks 112 - 114
Blocks 117 - 118
Block Groups 2 - 4
Tract 22
Tract 23.01
Blocks 304 - 306

Blocks 310 - 311
Tract 30
Tract 31
Blocks 201 - 202
Blocks 206 - 212
Blocks 215 - 216
Blocks 220 - 222
Blocks 225 - 231
Tract 37.02
Block Groups 1 - 2
Remainder of Mobile Division
Tract 68
Block Group 1
Blocks 201 - 209
Block 212
Blocks 214 - 223
Theodore Division
Tract 69
Block 101
Block 120
Blocks 122 - 126
Block 128
Blocks 130 - 135
Blocks 143 - 145
Blocks 147 - 148
Blocks 151 - 152
Tract 70
Blocks 101 - 127
Blocks 137 - 140
Block Group 9
Tract 71
Enumeration District 557
Enumeration District 558
Enumeration District 559

HOUSE DISTRICT 105 SHALL CONSIST OF:

In Mobile County

Bayou La Batre Division

Grand Bay Division

Theodore Division

Tract 69

Blocks 102 - 107

Blocks 117 - 118

Block 149

Block 153

Block Groups 2 - 3

Tract 71

Block Group 1

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by section 1 of this act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

District 1 House District Nos. 1, 2 and 3

District 2 House District Nos. 4, 5 and 6

District 3 House District Nos. 7, 8 and 9

District 4 House District Nos. 10, 11 and 12

District 5 House District Nos. 13, 14 and 15

District 6 House District Nos. 16, 17 and 18

District 7 House District Nos. 19, 20 and 21

District 8 House District Nos. 22, 23 and 24

District 9 House District Nos. 25, 26 and 27

District 10 House District Nos. 28, 29 and 30

District 11 House District Nos. 31, 32 and 33

District 12 House District Nos. 34, 35 and 36

District 13 House District Nos. 37, 38 and 39

District 14 House District Nos. 40, 41 and 42

District 15 House District Nos. 43, 44 and 45

District 16 House District Nos. 46, 47 and 48

District 17 House District Nos. 49, 50 and 51

District 18 House District Nos. 52, 53 and 54

District 19 House District Nos. 55, 56 and 57

District 20 House District Nos. 58, 59 and 60

District 21 House District Nos. 61, 62 and 63

District 22 House District Nos. 64, 65 and 66

District 23 House District Nos. 67, 68 and 69

District 24 House District Nos. 70, 71 and 72

District 25 House District Nos. 73, 74 and 75

District 26 House District Nos. 76, 77 and 78

District 27 House District Nos. 79, 80 and 81

District 28 House District Nos. 82, 83 and 84

District 29 House District Nos. 85, 86 and 87

District 30 House District Nos. 88, 89 and 90

District 31 House District Nos. 91, 92 and 93

District 32 House District Nos. 94, 95 and 96

District 33 House District Nos. 97, 98 and 99

District 34 House District Nos. 100, 101 and 102

District 35 House District Nos. 103, 104 and 105

Section 3. All laws or parts of laws which conflict with this act are hereby repealed, and act no. 82-629, 1982 first special session is hereby expressly repealed and shall have no other effect of law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act shall be effective for the election of members of the House of Representatives and for the election of senators in the Alabama Legislature at the general election of 1986, and at such other election or elections as may be ordered by the United States District Court for the middle district of Alabama in connection with *Burton, et. al.* v. *Hobbie, et. al.*, no. 81-617-n, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

Section 6. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION OFFERED

Rep. Sasser offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 1, and request a Committee on Conference be appointed to reconcile the differences between the two Houses.

SUBSTITUTE TO SUBSTITUTE MOTION

Rep. Owens offered the substitute motion that further consideration of the bill, H. 1 with Senate amendment, be postponed until the seventh legislative day.

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Owens, was tabled.

Yeas 55; Nays 28.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Preuitt, Rice, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, White (L) and Zoghby.

—55

Nays:

Reps.: Adams, Ashley, Blakeney, Carothers, Cosby, Freeman, Hettinger, Lauderdale, Layton, Lewis, McKee, McMillan, Minus, Moore, Murphy, Owens, Payne, Rains, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Venable, Waggoner, Wilson and Wright.

—28

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 22. To amend Section 26-7A-1 of the Code of Alabama 1975, as amended, which provides for curators being appointed in the probate court so as to clarify that curators may be appointed in any probate court in the State of Alabama and to ratify previous curator appointments by any probate judge which otherwise would qualify under Chapter 7A of Title 26 of the Code of Alabama and in existence on the date of this Act.

Also:

S. 24. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of swine and swine products; to amend Section 2-8-49 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of swine shall not exceed $.10 on market hogs and $.05 on feeder pigs; to repeal Section 2-8-53, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale.

Also:

S. 26. To provide for the criminal offense of theft of fish from fish farms and provides for penalties for violation.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 1 RESUMED

SUBSTITUTE MOTION TABLED

On motion of Rep. Johnson (Roy), the substitute motion offered by Rep. Sasser that the House non-concur in the Senate amendment to the bill, H. 1, and request a Committee on Conference, was tabled.

Yeas 52; Nays 29.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Martin, Mathis, Melton, Mitchell, Nevett, Nicholson, Preuitt, Rice, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, White (L) and Zoghby.

—52

Nays:

Reps.: Ashley, Blakeney, Brooks, Butler, Carothers, Freeman, Hettinger, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Minus, Moore, Murphy, Newman, Owens, Rains, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Venable, Waggoner, Wilson and Wright.

—29

The question was again on the motion offered by Rep. Johnson (Roy), that the House concur in and adopt the Senate amendment to the bill, H. 1.

MOTION TO ADJOURN LOST

The motion offered by Rep. Carothers that the House adjourn until 2:00 o'clock p.m., Tuesday, February 22, 1983, was lost.

Yeas 23; Nays 50.

Yeas:

Reps.: Ashley, Blakeney, Butler, Campbell, Carothers, Carter, Freeman, Lauderdale, Lewis, McKee, Manley, Minus, Moore, Murphy, Newman, Owens, Payne, Sasser, Scott, Starr, Waggoner, Wilson and Wright.

—23

Nays:

Mr. Speaker, Albright, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Layton, Mathis, Melton, Nevett, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Stout, Thomas, Thornton, Trammell, Turner, White (L) and Zoghby.

—50

MOTION TO ADJOURN LOST

The motion offered by Rep. Wright that the House adjourn until 2:00 o'clock p.m., Tuesday, February 22, 1983, was lost.

Yeas 27; Nays 56.

Yeas:

Reps.: Adams, Ashley, Carothers, Cosby, Freeman, Hettinger, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Moore, Murphy, Newman, Owens, Payne, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Venable, Waggoner, Wilson and Wright.

—27

Nays

Mr. Speaker, Albright, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Martin, Mathis, Melton, Mitchell, Nevett, Nicholson, Poole, Preuitt, Rice, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, White (L), Williams and Zoghby.

—56

H. 1 RESUMED

On motion of Rep. Johnson (Roy) the House concurred in and adopted the Senate amendment to the bill, H. 1.

Yeas 53; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Bowling, Box Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McMillan, Martin, Mathis, Melton, Nevett, Nicholson, Preuitt, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, Venable, White (L), Williams and Zoghby.

—53

Nays:

Reps.: Ashley, Blakeney, Brooks, Butler, Carothers, Cosby, Freeman, Hettinger, Kvalheim, Lauderdale, Layton, Lewis, McKee, Moore, Murphy, Newman, Owens, Payne, Rains, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Waggoner, Wilson and Wright.

—28

And the bill:

H. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

As thus amended, was again read at length and passed.

Yeas 54; Nays 27.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy,

Langford, McMillan, Martin, Mathis, Melton, Nevett, Nicholson, Preuitt, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, Venable, White (L), Williams and Zoghby.

—54

Nays:

Reps.: Ashley, Blakeney, Brooks, Butler, Carothers, Cosby, Freeman, Kvalheim, Lauderdale, Layton, Lewis, McKee, Moore, Murphy, Newman, Owens, Payne, Rains, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Waggoner, Wilson and Wright.

—27

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Johnson (Roy) offered the motion to reconsider the vote by which the bill, H. 1 as amended, was passed, and to table his motion to reconsider the vote, and the motion to table was adopted.

Yeas 55; Nays 23.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McMillan, Martin, Mathis, Melton, Nevett, Nicholson, Preuitt, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Turner, Venable, White (L), Williams and Zoghby.

—55

Nays:

Reps.: Ashley, Blakeney, Carothers, Cosby, Freeman, Lauderdale, Layton, Lewis, McKee, Moore, Murphy, Newman, Owens, Payne, Sasser, Scott, Seibels, Starkey, Starr, Turnham, Waggoner, Wilson and Wright.

—23

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 81. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the House adjourns today, Thursday, February 17, 1983, that they adjourn to meet again on Tuesday, February 22, 1983.

BE IT FURTHER RESOLVED, That when the two houses adjourn today, Thursday, February 17, 1983, that the Senate adjourns to meet again on Friday, February 18, 1983, and when the Senate adjourns on Friday, February 18, 1983, they adjourn to meet again on Tuesday, February 22, 1983.

On Motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 81, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Langford, the House concurred in and adopted the Senate amendment to the bill, H. 13, said Senate amendment being as follows:

On page 1, line 12 after the word "lieutenant governor" insert: Attorney General

On page 1, line 25 after the word "lieutenant governor" insert: Attorney General

On page 1, line 30 after the word "lieutenant governor" insert: Attorney General

Yeas 53; Nays 2.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coleman, Crow, Davis, Escott, Faulk, Flowers, Gaston, Grouby, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, McMillan, Martin, Mathis, Melton, Nevett, Newman, Nicholson, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Thornton, Trammell, Turner, Venable and White (L.).

—53

Nays: Reps. Lewis and Payne. —2

And the bill:

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, Attorney General, members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

As thus amended, was again read at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Escott, Faulk, Gaston, Grouby, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy,

Kvalheim, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Nevett, Newman, Owens, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Thornton, Trammell, Turner, Venable, White (L) and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 81. SETTING MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:40 P. M. on February 17, 1983.

H. J. R. 76

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 73, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, February 22, 1983.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Friday, February 18, 1983

The House did not meet today.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 22, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Gene Hill, Chapel Hill

Baptist Church, Tuscaloosa County, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Johnson (Roy), the rules were suspended and the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 31. Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding and for retroactive effect.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 33. To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution.

Also:

H. 6. To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Also:

H. 14. To provide further for visitation rights of grandparents of minor children in certain cases of divorce or death and repeals Section 30-3-3, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 82. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business February 22, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

and the Following Bills:

S. 27 p. 5 Vote tabulating equipment, Mr. Smith (J)

S. 4 p. 7 Hunting raccoons or oppossoms at night, Mr. Kirkland

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the resolution, H. R. 82, was temporarily postponed.

BILLS ON SECOND READING

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 21. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

H. 7. To prohibit certain high school officials from making payments

to the Alabama High School Athletic Association if said association fails to recognize Paint Rock Valley High School in Jackson County for post-season athletic competition.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 83. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 22, 1983, that we adjourn to meet again on Thursday, February 24, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 83, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 84. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, February 22, 1983, we adjourn to meet again on Thursday, February 24, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 84, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 85. COMMENDING HOKES BLUFF HIGH SCHOOL SENIOR MIKE HAYES FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

By Rep. Junkins:

H. R. 86. COMMENDING FORMER CHEROKEE COUNTY SHERIFF MACK GARRETT OF CENTRE, ALABAMA.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1. TO PROVIDE FOR THE REAPPORTIONMENT OF THE TWO HOUSES OF THE ALABAMA LEGISLATURE BASED UPON THE 1980 CENSUS.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

]Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 79. COMMENDING MR. ROBERT H. BOSWELL, DIRECTOR OF THE BIRMINGHAM POLICE DEPARTMENT ATHLETIC TEAM.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 81. Relative to meeting dates for the House and Senate from Thursday, February 17, 1983 thru Tuesday, February 22, 1983.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 13. To provide further for exemptions from the requirement of continuing legal education; to exempt the governor, lieutenant governor, Attorney General members of the legislature, secretary of the senate, clerk of the house, and employees of legislative reference service, should they be attorneys, from the requirement of mandatory continuing legal education.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 6. To amend Section 13A-7-42 of the Code of Alabama 1975, defining the criminal offense of second degree arson, so as to provide further for such offense.

Also:

H. 14. To provide further for visitation rights of grandparents of minor children in certain cases of divorce or death and repeals Section 30-3-3, Code of Alabama 1975.

Also:

H. 31. Relating to Wilcox County; to set the compensation for certain clerks in the probate judge's office; to provide for pay periods, source of funding and for retroactive effect.

Also:

H. 33. To provide additional revenue from which to pay interest on funds advanced the Alabama Unemployment Compensation Trust Fund for the payment of benefits; to establish a special fund in the state treasury to receive such revenue; to provide for the accumulation of interest on monies deposited into the special fund; to authorize expenditures from the special fund; and to provide for its dissolution.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive De-

partment for same.

Delivered to the Governor at 3:15 P. M. on February 22, 1983.

H. J. R. 79

H. 13

H. J. R. 81

H. 1

Delivered to the Governor at 4:25 P. M. on February 22, 1983.

H. 6

H. 14

H. 31

H. 33

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 84, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 24, 1983.

Yeas 56; Nays 33.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Brakefield, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Hall, Hammett, Harvey, Holley, Holmes, Horn, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Newman, Parker, Poole, Preuitt, Rains, Rice, Rogers, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F) and Zoghby.

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Nays:

Reps.: Adams, Biddle, Box, Browder, Carter, Clikas, Coburn, Cosby, Freeman, Gaston, Grimsley, Harper, Hettinger, Howard, Kvalheim, Lewis, McMillan, Manley, Minus, Murphy, Owens, Payne, Penry, Richardson, Sasser, Scott, Smith, Starr, Waggoner, White (L.), Williams, Wilson and Wright.

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NINTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 24, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Father Wilbur Kissell, St. Peter's Catholic Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Wilson, leave of absence was granted for Rep. Harper.

At the request of Rep. Casey, leave of absence was granted for Reps. Holley and Johnson (Roy), due to absence from the state.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Holmes:

H. R. 87. COMMENDING MRS. LOIS CONLEY SMITH, PROMINENT MONTGOMERY EDUCATOR.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Adams and Johnson (A. L.):

H. R. 88. CONGRATULATING SOUTH GIRARD JUNIOR HIGH SCHOOL OF PHENIX CITY, ALABAMA, UPON WINNING THE STATE CHAMPIONSHIP.

Also:

By Reps. Carter, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 89. COMMENDING OUR COLLEAGUE REPRESENTATIVE ROGER DUTTON, ON HIS OUTSTANDING REGISTERED JERSEY FARM OPERATION.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 12. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 34. PETITIONING THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF CORRECTIONS AND THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF REVENUE TO OFFICIALLY DESIGNATE A PORTION OF THE SALARY OF CHAPLAINS IN THE PENAL INSTITUTIONS OF ALABAMA AS A RENTAL ALLOWANCE.

Also:

H. J. R. 38. REQUESTING THAT THE TENNESSEE VALLEY AUTHORITY PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

Also:

H. J. R. 39. URGING PRESIDENT REAGAN'S CAREFUL CONSIDERATION OF GOVERNOR WALLACE'S REQUEST EXPRESSING

OPPOSITION TO THE RECENTLY IMPOSED USER FEES AND TAX INCREASES ON THE TRUCKING INDUSTRY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 8. To amend section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Also:

H. 17. To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $65,000.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall revert to the State General Fund.

Also:

H. 24. To amend Sections 36-22-42 and 36-22-43, Code of Alabama 1975, which provides for deductions from sheriffs' salaries and retirement payments for retired sheriffs, so as to increase said deductions and payments.

Also:

H. 5. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Also:

H. 32. To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Payne:

H. J. R. 90. COMMENDING BIRMINGHAM POLICE OFFICER DAN BIANCHI, RECIPIENT OF THE DEPARTMENT'S MEDAL OF VALOR.

WHEREAS, it is indeed an honor and a privilege for the Alabama Legislature to recognize Birmingham Police Officer Dan Bianchi for outstanding heroism in his valiant actions of August 25, 1982; and

WHEREAS, on that date, Officer Bianchi, in the face of grave personal danger, was successful in thwarting the efforts of a former mental patient to possibly open fire on other Birmingham police officers; and

WHEREAS, the subject subdued by Officer Bianchi had already fired upon several members of his family, had bolted from a tear-gassed house and was struggling with several officers when Dan Bianchi grabbed the weapon, thereby preventing further violence and a possible life threatening situation; and

WHEREAS, Officer Bianchi, a nine-year veteran of the Birmingham Police Department, is a motorcycle patrolman and has been on the department's tac squad for the past two years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to the extraordinary bravery displayed by Police Officer Dan Bianchi of Birmingham, Alabama; we further most highly commend Officer Bianchi for valor beyond the call of duty and direct that he receive a copy of this resolution, tendered in sincere admiration and esteem.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 90, was adopted.

Also:

By Rep. Payne:

H. J. R. 91. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM.

WHEREAS, the Alabama Legislature notes with utmost commendation the outstanding season record of the Hewitt-Trussville Junior High School Wrestling Team under their talented first-year Head Coach Mark D. Lasseter; and

WHEREAS, finishing the season with an 8-2 record, the team also was first in the Lake Martin Tournament, second in the Erwin Tournament and, following a mid-season slump of two dual meet losses and a fifth place in the Mountain Brook Tournament, bounced back to win three big dual meet "firsts" and the County Championship over such teams as Mountain Brook, Pittman and Vestavia; and

WHEREAS, individual honors went to ninth graders Chip Ormand, Chris Calma and Eric Mashburn who, respectively, claimed the County Championship at the 128-pound weight class with an overall 21-0 record; the 105-pound weight class with a 19-1 record and Most Outstanding Wrestler honors; and the 155-pound class, also with a record of 19-1; and

WHEREAS, other members of the team to place in their classes in the county tournament were: Steven Blalock—5th, James Walker—2nd, David Freeman—5th, Joe Sphar—3rd, Todd Strong—3rd, Reid Everette—6th, Todd Geralds—6th, Sam Barry—2nd and Doug Jenkins—4th; and

WHEREAS, Hewitt-Trussville's other County Champion team members include: Shane Black, Bass Riggins, Lee Edmunds, Ken Needham, Davey Needham, Michael Bengston, Greg Sellers, Pat Whisenant, Tyrone Gunn, Scott Mordecai, Edwin Hocutt, Bobby Howard, Terry Minor, Jimmie

Blalock, Mike Shotts, Michael Smitherman, Barry Williams, Jim Acton, Rex Wallis, Vince Bruno, Michael Wallace, Micha Morgan, Michael Laborde, Paul Brooks, Jeff Bryant, Jimbo Vaughn, David Denard, Jimmy Matlock, Chuck Gipson, Rich Swaim, Tommy Mitchell and Allen Higgins; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations and sincere commendation to Coach Mark D. Lasseter and his County Champion Hewitt-Trussville Junior High School Wrestling Team.

BE IT FURTHER RESOLVED, That Coach Lasseter receive a copy of this resolution on behalf of the entire team with a copy also provided for appropriate school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

By Rep. White (F):

H. J. R. 92. COMMENDING THE FLOMATON HIGH SCHOOL WOMEN'S BASKETBALL TEAM.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the outstanding basketball season of the Flomaton High School women's basketball team; and

WHEREAS, led to an overall record of 19 wins and 8 losses by Coach Judy Bell, the lady cagers compiled the best record in the history of girls athletics at Flomaton High School; and

WHEREAS, the team won the 1983 area 3 championship and were the 1983 Region 2 champions and won first and second round state playoff games, including a stunning defeat of the number one team in Class AA; and

WHEREAS, their outstanding tournament play earned them a spot in the Class AA final four tournament in Birmingham, the only high school south of Birmingham achieving such an honor and the first Flomaton High School Team to make the state playoff finals; and

WHEREAS, Flomaton girl roundballers are Susan Curry, Tonya Kyles, Kasey Nelson, Amanda Steadham, Sonya Brooks, Nita Baldwin, Lana Nelson, Denita Long, Kim Enfinger, and Teresa Spears, each of whom is to be heartily congratulated for her contributions to the club's winning season; and

WHEREAS, we believe that the actions of these fine young women on the basketball court are reflective of their classmates, faculty, parents and the good citizens of the Flomaton community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Flomaton High School girls basketball team for their successful season.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Coach Bell and another copy to the school for appropriate display.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 92, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Williams:

H. R. 93. RECOGNIZING THE EVENDER G. SPRADLIN, II, FAMILY WHICH HAS BEEN HONORED AS FORT RUCKER, ALABAMA'S GREAT AMERICAN FAMILY.

Also:

The following resolution was introduced:

By Rep. Williams:

H. J. R. 94. RECOGNIZING THE EVENDER G. SPRADLIN, II, FAMILY WHICH HAS BEEN HONORED AS FORT RUCKER, ALABAMA'S GREAT AMERICAN FAMILY.

WHEREAS, the family is that body, or that cell, from which our society emerges and beginning in 1982 with its first annual Great American Family Awards Program, the American Family Society seeks to honor selected families who have made life better in their own communities and who inspire other families to contribute to the quality of American Life through meaningful service to their communities; and

WHEREAS, with Mrs. Nancy Reagan as the honorary chairperson for the program, the Evender G. Spradlin, II, family was elected for the Great American Family Award in recognition of their valuable contributions and sacrifices to the Fort Rucker and surrounding civilian communities; and

WHEREAS, the volunteer plays a vital role in all community activities, assisting in program planning, scheduling, fund raising, volunteer recruiting, in recording results and providing after-action reports for each event; and

WHEREAS, they must be tolerant of all elements of the community and be a positive influence upon the lives of the people by the examples they set, and the Spradlins have greatly exceeded all expectations for a volunteer as their awareness of the complexities of our society leave no room for compromise in the fulfillment of their responsibilities and obligations to become involved in programs designed to improve the quality of life for all those who reside in the Fort Rucker community; and

WHEREAS, the Spradlin's presence has been highly visible in the Boy and Girl Scouting Programs, the Fort Rucker Schools, Chapel activities and the youth sports programs for southeast Alabama; through their guidance, assistance, patience and generous giving of their time, energy and abilities, the mission of all the youth programs have been successful and they have extended a genuine spirit of cooperation in all volunteer activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our appreciation to the Evender G. Spradlin, II, family for their contributions directed towards the improvement of the quality of life for the residents of Fort Rucker and Southeast Alabama.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 95. COMMENDING MRS. MARY FRANCES BASS OF FLORALA, ALABAMA, AS SPECIAL EDUCATION TEACHER OF THE YEAR.

Also:

By Rep. Hammett:

H. R. 96. COMMENDING MR. WARREN H. BROWN OF ANDALUSIA, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Hettinger, Hall, Butler and Freeman:

H. J. R. 97. CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of all the colleges and universities which offer baccalaureate or graduate programs in the field of engineering. The commission shall be composed of a representative from each of the following institutions of higher learning: The University of Alabama, the University of Alabama in Birmingham, the University of Alabama in Huntsville, the University of South Alabama, Auburn University, and Tuskegee Institute. Each institutional representative shall be appointed by the respective university president, shall be a full time faculty member of the institution, and shall serve at president's discretion and without compensation. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

BE IT FURTHER RESOLVED, That, additionally, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state junior, community and technical colleges with specific emphasis on training of technical support personnel for high technology programs. This assessment shall be conducted by a six-member commission who shall serve without compensation, shall be appointed by the Chancellor of the state's junior, community, and technical colleges and shall be in the full time employ of a junior, community, or technical college. The six-member commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

RESOLVED FURTHER, That, in addition, there is hereby created an interim commission to conduct a comprehensive assessment of the human and capital resource needs of the state's elementary and secondary schools in the fields of science and mathematics. This assessment shall include: (1) specific recommendations regarding the appropriate number of science and math teachers, (2) measures to encourage current math and science teachers to pursue post-baccalaureate studies in the fields of science and mathemat-

ics and (3) programs to promote the overall quality of instruction in the fields of science and mathematics. This assessment shall be conducted by a six-member commission who shall serve without compensation and shall be appointed by the state superintendent of education. The commission shall issue a written report to the Governor and legislature not later than 180 days following the effective date of this act. Upon the issuance of said report, the commission shall terminate.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Rep. Reed:

H. R. 98. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended as follows:

Delete House Rule 31a in its entirety.

~~31a. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.~~

MOTION TO SUSPEND RULES TABLED

On motion of Rep. Rice, the motion offered by Rep. Reed to suspend the rules and adopt the resolution, H. R. 98, was tabled.

Yeas 37; Nays 34.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Carter, Casey, Cosby, Crow, Flowers, Gaston, Goodwin, Grimsley, Johnson (A. L.), Kennedy, Laird, Layton, Manley, Minus, Nicholson, Payne, Preuitt, Rains, Rice, Richardson, Smith, Turner, Turnham, Venable, Warren, Wright and Zoghby.

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Nays:

Reps.: Albright, Bennett, Boles, Brooks, Bryant, Buskey, Davis, Dutton, Escott, Freeman, Hall, Hettinger, Holmes, Horn, Howard, Langford, Lewis, Melton, Nevett, Newman, Owens, Parker, Rogers, Sasser, Scott, Seibels, Starkey, Stout, Thomas, Thornton, Tucker, Waggoner, White (L) and Williams.

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Also:

By Reps. Drake and Bowling:

H. J. R. 99. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. GRADY NUTT OF LOUISVILLE, KENTUCKY.

WHEREAS, the Legislature of Alabama grievously notes the death of Mr. Grady Nutt of Louisville, Kentucky, in Cullman, Alabama, November 23, 1982, at the early age of just 47 years; and

WHEREAS, Mr. Nutt's untimely death was the result of a tragic airplane crash upon take-off from Cullman following appearances as guest speaker for the annual Farm-City Banquet and for a large gathering of Cullman County youths at the First Baptist Church; and

WHEREAS, Mr. Nutt was perhaps most widely known for his longtime association with the nationally telecast "Hee Haw" show as the warm and wonderfully funny comedian we welcomed into our homes, grateful for the laughter he brought each week into our lives and hearts; and

WHEREAS, the death of the beloved Grady Nutt has indeed left a deep void in the lives of those privileged to know him as a loving and generous human being to whom everyone was special, and all of whom were recipients of his love and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we also are deeply and sorely saddened by the death of Mr. Grady Nutt of Louisville, Kentucky.

BE IT FURTHER RESOLVED, That we extend our very deepest and heartfelt sympathy to his wife, Mrs. Eleanor Nutt, to their two young sons, Perry and Toby, and other family members to whom a copy of this resolution shall be sent that they may know of our love and concern for them in their time of such great sorrow.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 99, was adopted.

Also:

By Reps. Casey, Laird, Ashley and McKee:

H. J. R. 100. COMMENDING AND HONORING WILLIAM M. "BILL" RUSHTON.

WHEREAS, William M. "Bill" Rushton is known to this Legislature to have given of himself, in the service of the State of Alabama, first as Assistant Director of the Alabama Development Office and now as the Director of the Office of State Planning and Federal Programs, and

WHEREAS, Bill Rushton, through personal sacrifice and persistent effort, not only overcame and conquered the disease of alcoholism, which tortures the human mind, body and spirit, but also unselfishly and freely gave his time and effort to the establishment of the first Alabama Prison System Alcoholics Anonymous Chapter and continued to work in the program for many years thereafter, and

WHEREAS, Bill Rushton volunteered his time and efforts to speak publicly at the state conventions for Alcoholics Anonymous in many states including Georgia, Mississippi, Tennessee, Florida, and Texas and also spoke publicly at other places and functions and worked diligently to help others afflicted with this dread disease, to overcome their illness, and

WHEREAS, through personal effort and self-sacrifice, Bill Rushton has had an extremely positive effect on the lives of many, and has become an individual of high success and achievement to whom others can look up to in admiration and respect, and whose life and accomplishments can, and have given, hope to others who are or have been in need of hope in their darkest hours, and

WHEREAS, Bill Rushton, has a lovely and admiring family, including his wife Billie and daughter Kim, to whom he has been a loving and caring husband and father, and both of whom are dearer to him than wealth or fame could ever be, and

WHEREAS, the Legislature holds this man in the highest esteem for

his past efforts and accomplishments, for his present service to the State of Alabama and his fellowman, and for what we have every confidence to believe will be a future of continued successes and accomplishments, Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, that we most highly commend and honor William M. "Bill" Rushton for his outstanding accomplishments, for his unselfish and valuable service given to his fellowman, and for his contributions to the government of the State of Alabama.

BE IT FURTHER RESOLVED, that copies of this resolution be provided for Mr. Rushton, his wife, his daughter, and for Governor George C. Wallace, to insure that he is informed of the Legislature's feelings in these regards.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J. R. 100, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 100:

Mr. Speaker, Adams, Albright, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carothers, Carter, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Butler and Carter:

H. R. 101. COMMENDING MR. JOHN DOUGLAS MAUND FOR OUTSTANDING SERVICE TO THE CITIZENS OF ATHENS AND LIMESTONE COUNTY.

Also:

By Rep. Mathis:

H. R. 102. MOURNING THE DEATH OF MR. BILLY GENE SINGLETARY OF SLOCOMB, ALABAMA.

Also:

By Rep. Rogers:

H. R. 103. MOURNING THE UNTIMELY DEATH OF THE REVEREND HERBERT H. WHEELER OF BIRMINGHAM, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed

the following House Bill and returns same herewith to the House:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; The Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House non-concurred in the Senate amendment to the bill, H. 36, and requested a Committee on Conference be appointed to reconcile the differences between the two Houses, said Senate amendment being as follows:

Amend House Bill 36 on page 1, line 15 in the synopsis after the comma following the word "(CETA)"; and on page 3, line 15 after the word "Agency"; and on page 4, line 13 after the word "(CETA)"; and on page 5, line 19 after the word "Agency" insert the following:

",the Office of Highway and Traffic Safety"

Further amend House Bill 36 on page 2, line 10 after the semicolon, insert the following:

"the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975;"

Further amend House Bill 36 on page 3, line 19 after "41-8A-13,", insert the following:

"Sections 32-4-1 through 32-4-7,"

Further Amend House Bill 36 on page 5, line 23, after the word "Agency", insert the following:

", the Office of Highway and Traffic Safety"

Amend House Bill 36, on page 5, after line 37 by inserting following Section 7 and by renumbering the remaining sections accordingly.

"Section 8. Legislative Oversight Commission. (a) There is hereby created the Department of Economic and Community Affairs Legislative Oversight Commission to consist of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate to be appointed by the Lieutenant Governor, the Chairman and Vice Chairman of the House Ways and Means Committee, and three members of the House of Representatives to be appointed by the Speaker of the House.

(b) The Commission shall hold an organizational meeting within thirty (30) days after this bill is enacted, and shall elect a chairman and vice chairman from among its members. Thereafter, the Commission shall meet at least two times annually, and additional meetings shall be held at the call of the Chairman or upon the request of six or more members. Such meetings shall be held with the Director of the Department of Economic and Community Affairs in attendance.

(c) The Commission shall adopt its own rules of procedure for the transaction of business, and a majority of the members present shall constitute a quorum for the purpose of transacting business or performing authorized duties.

(d) Each member of the Commission shall be entitled to his or her regular legislative compensation and per diem and travel expenses for each day he or she attends a meeting or conducts business of the Commission, and such compensation and expenses shall be paid from the funds appropriated for the use of the Legislature.

(e) The Commission shall monitor and evaluate the management and operations of the Department of Economic and Community Affairs, shall recommend to the Legislature the enactment of such laws respecting the Department of Economic and Community Affairs as the Commission shall deem desirable, and shall submit a written report on the operations, finances and grants made by the Department of Economic and Community Affairs during each Regular Session of the Alabama Legislature."

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—72

Nay: Rep. Thornton. —1

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Casey, Martin and Goodwin.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the State of Alabama, so as to include the chairman of the rules committee in each the house and senate.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Biddle offered the motion that the House non-concur in the Senate amendment to the bill, H. 37, and request a Committee on Conference be appointed to resolve the differences between the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED
AN ACT

To provide further for the membership of the continuing legislative committee, known as the legislative council of the state of Alabama, so as to include the chairman of the rules committee in both the house and senate, and the chairman of the house local government committee, and the chairman of the senate governmental affairs committee.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any and all other provisions of law relating to the membership of the legislative council, such membership shall be increased to include the chairman of the senate rules committee and the chairman of the house rules committee, and the chairman of the house local government committee, and the chairman of the senate governmental affairs committee. Each such member shall be entitled to any and all other benefits, privileges, powers and rights with the same obligations and duties as provided by law for all other members.

Section 2. The provisions of this act shall be construed in para materia with all other provisions of law relating to the legislative council of the state of Alabama; provided, however, that only any laws or parts of laws which are in direct conflict herewith are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO NON-CONCUR TABLED

On motion of Rep. Adams, the motion offered by Rep. Biddle that the House non-concur in the Senate amendment to the bill, H. 37, was tabled.

Yeas 44; Nays 31.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Box, Brooks, Bryant, Buskey, Butler, Clark, Coburn, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Holmes, Johnson (A. L.), Kennedy, Langford, McKee, Martin, Nicholson, Owens, Parker, Preuitt, Richardson, Rogers, Scott, Smith, Starr, Thomas, Tucker, Turner, Warren, White (F) and Wilson.

—44

Nays:

Reps.: Biddle, Blake, Bowling, Brakefield, Browder, Carothers, Carter, Cosby, Johnson (R. G.), Junkins, Laird, Lauderdale, Layton, Lewis, Manley, Mathis, Moore, Murphy, Nevett, Newman, Payne, Rains, Rice, Starkey, Thornton, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—31

The question was then on the adoption of the Senate amendment to the bill, H. 37, and on motion of Rep. Adams, the amendment was adopted.

Yeas 64; Nays 14.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Holmes, Horn, Johnson (A. L.), Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Newman, Nicholson, Owens, Parker, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Wright and Zoghby.

—64

Nays:

Reps.: Box, Butler, Carothers, Carter, Hall, Lewis, McKee, Murphy, Nevett, Payne, Starr, Thornton, Waggoner and Wilson.

—14

And the bill:

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the state of Alabama, so as to include the chairman of the rules committee in both the house and senate, and the chairman of the house local government committee, and the chairman of the senate governmental affairs committee.

As thus amended, was again read at length and passed.

Yeas 74; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger,

Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—74

Nays:

Reps.: Box, Carothers, Carter, McKee and Thornton.

—5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 11. To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended. (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment" services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to $8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-exemption of wages into or from a tax deferred trust; to extend to 35 years the period during which certain moneys credited to the fund may be used for administrative purposes; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limited to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain conditions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under certain conditions; to provide for an increase in weekly benefit amount to $120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to $22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments,

waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Manley offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 11, said Senate amendment being as follows:

Amend the Albright Amendment #2 to H.B. 11 as substituted and amended as follows:

Add the words "page 62" after the words "further amend H.B. 11 by deleting lines 26 through 33" on line 9 of the amendment.

Amend the Albright Amendment #1 to H.B. 11 as substituted as follows:

In Section 6, page 62, line 7 of subparagraph 1 of subsection (4) b;

strike the word "higher" and insert in lieu thereof the word "nearest"

MOTION TO TABLE LOST

The motion offered by Rep. Carothers to table the motion offered by Rep. Manley that the House concur in and adopt the Senate amendment to the bill, H. 11, was lost.

Yeas 15; Nays 74.

Yeas:

Reps.: Brooks, Butler, Carothers, Carter, Flowers, Freeman, Grouby, Hall, Hammett, Lewis, Mathis, Payne, Sasser, Scott and Seibels.

—15

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston, Goodwin, Grimsley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—74

The question was then on the adoption of the Senate amendment to the bill, H. 11, and on motion of Rep. Albright, the amendment was concurred in and adopted.

Yeas 79; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers,

Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—79

Nays:

Reps.: Brooks, Butler, Carter, Freeman, Grouby, Hall, Hammett, Lewis and McKee.

—9

And the bill, H. 11 as thus amended, was again read at length and passed.

Yeas 82; Nays 8.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Junkins, Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—82

Nays:

Reps.: Brooks, Butler, Freeman, Grouby, Hall, Hammett, Lewis and McKee.

—8

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

Also:

H. J. R. 34. PETITIONING THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF CORRECTIONS AND THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF REVENUE TO OFFICIALLY DESIGNATE A PORTION OF THE SALARY OF CHAPLAINS

IN THE PENAL INSTITUTIONS OF ALABAMA AS A RENTAL ALLOWANCE.

Also:

H. J. R. 38. REQUESTING THAT THE TENNESSEE VALLEY AUTHORITY PROPERLY RECLASSIFY THE ELECTRICITY RATES OF THE AGRICULTURAL COMMUNITY.

Also:

H. J. R. 39. URGING PRESIDENT REAGAN'S CAREFUL CONSIDERATION OF GOVERNOR WALLACE'S REQUEST EXPRESSING OPPOSITION TO THE RECENTLY IMPOSED USER FEES AND TAX INCREASES ON THE TRUCKING INDUSTRY.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 5. To amend §16-25-14(i), Code of Alabama 1975 relating to the Teachers' Retirement System of Alabama and §16-27-16(e), Code of Alabama 1975, relating to the Employees' Retirement System of Alabama, so as to change from five years to two years the time required for certain members who have been restored to active service, to continue in service before again becoming a member of either System.

Also:

H. 8. To amend Section 16-22-6, Code of Alabama, 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776.

Also:

H. 17. To provide for the supplemental appropriation and allocation to the Board of Heating and Air Conditioning Contractors for the 1982-1983 state fiscal year ending September 30, 1983, of an amount up to $65,000.00, from the Board of Certification of Heating and Air Conditioning Contractors Fund in the state treasury for the purpose of salaries and other expenses; to provide for retroactive effect; and to provide that monies remaining in said fund on September 30, 1983, shall revert to the State General Fund.

Also:

H. 24. To amend Sections 36-22-42 and 36-22-43, Code of Alabama 1975, which provides for deductions from sheriffs' salaries and retirement payments for retired sheriffs, so as to increase said deductions and payments.

Also:

H. 32. To amend Section 11-47-16, Code of Alabama 1975, relating to the power of cities and towns to acquire sites for, construct and operate public cultural facilities, so as to include counties and to further qualify the necessity for such acquisition and construction.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 25. To amend Section 36-17-8 of the Code of Alabama 1975 as amended by Act 83-78 relating to the procedures for the State Treasurer in paying principal and interest on bonded indebtedness by a fiscal agent and more specifically to alter Section 1(c) dealing with the number of fiscal agents so as to make this subsection conform to other sections of the code.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House concurred in and adopted the Senate amendment to the bill, H. 25, said Senate amendment being as follows:

Amend House Bill No. 25, Page 2, Line 11, by striking out after the word "within" the words "the City of New York." and in lieu thereof insert the following:

"the Continental United States."

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Horn, Howard, Johnson (R. G.), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Moore,

Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

And the bill, H. 25 as thus amended, was again read at length and passed.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Horn, Howard, Johnson (R. G.), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—84

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Amari:

S. J. R. 37. COMMENDING HOWARD K. LYNAM, EASTERN AREA CHAMBER OF COMMERCE CITIZEN OF THE YEAR 1982.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 37, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchem and Barron:

S. J. R. 38. COMMENDING JACKSON COUNTY SHERIFF WILLIAM R. (BOB) COLLINS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Richardson the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Smith (B):

S. J. R. 42. COMMENDING THE HUNTSVILLE ALABAMA CITY COUNCIL ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN THE CITY OF HUNTSVILLE.

Also:

By Senator Bishop:

S. J. R. 44. DESIGNATING THE MUSEUM PROPOSED BY ALABAMA MINING MUSEUM, INCORPORATED, AS THE OFFICIAL STATE COAL MINING MUSEUM OF ALABAMA.

Also:

By Senators Bailey and Covington:

S. J. R. 48. COMMENDING DALE COUNTY SHERIFF JAMES BRYANT MIXON FOR MERITORIOUS PROFESSIONAL ACCOMPLISHMENT.

Also:

By Mr. Bailey:

S. J. R. 49. DEDICATING TROOP K, DRIVER LICENSE OFFICE AT DOTHAN IN MEMORY OF TROOPER MARVETTE HOLMES.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Freeman, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 42, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Nicholson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 44, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Sasser, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 48, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Carothers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 49, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Cooley:

S. J. R. 47. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Cullman County, a commission to be known as the Cullman County Elected Officials Salary Commission, hereinafter called "the commission." The commission shall be composed of six members to be selected by the Cullman County legislative delegation. Appointments shall serve at the pleasure of the appointing authority and vacancies shall be filled by the appointing authority. The commission shall select a chairman. The commission shall make its own rules for the conduct of business. Meetings shall be held at the call of the chairman. Members of the commission shall serve without compensation. Administrative support shall be provided by the Cullman County Legislative Office.

The objective of the commission will be to provide information and recommendation regarding salaries of Cullman County elected officials. The specific objectives of the commission shall be described by the Cullman County Legislative Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bowling, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 47, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 45. CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

WHEREAS, the Legislature of Alabama, on May 7, 1980, passed Act No. 80-381, S. 318, 1980 Regular Session, which established the Alabama Human Resources Board; and

WHEREAS, the legislative intent of this Act was to utilize all available manpower in the state; and

WHEREAS, when the Act was passed, the Department of Health and Human Services ruled that it was contrary to existing federal law; and

WHEREAS, in 1981, the U. S. Congress passed the Omnibus Reconciliation Act, P. L. 97-35, which so altered federal statutes that Act No. 80-381

is no longer inconsistent with them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Oversight Committee of the Legislature to monitor the implementation of Act No. 80-381, S. 318, 1980 Regular Session. The committee shall be composed of three members of the House and three members of the Senate, to be appointed by the presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

BE IT FURTHER RESOLVED, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $7,000.00.

The Committee shall be dissolved at the end of this Legislative term.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bowling, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 45, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Smith (B):

S. J. R. 43. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS AND REPEALING ACT NO. 91, S. J. R. 3, FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be joint study committee on industrial expansion, economic growth, and jobs, which shall be a continuing committee to make a study of any and all aspects of industrial expansion, economic growth, and development, and jobs in the state, hold hearings and inquire into ways and means of improving conditions in the aforementioned areas. The committee shall make a report to the legislature before the 25th legislative day of all future regular sessions of the legislature.

BE IT FURTHER RESOLVED, That the committee shall consist of the members of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs and the House Committee on Commerce and Industrial Development. The chairman of the Senate Committee on Industrial Expansion, Economic Growth, and Jobs shall serve as the Chairman of this committee, and the chairman of the House Committee on Commerce and Industrial Development shall serve as Vice-chairman. The chairman of the

committee shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint subcommittees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisition signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Out of state travel will be allowed for the members of the committee but must be approved by the chairman of the committee and the Lieutenant Governor for the members of the Senate and the Speaker for members of the House. The committee may employ such clerical and expert assistance as the committee may find necessary in performing its duties. Additional assistance shall be provided by the Legislative Reference Service and the Legislative Fiscal Office. The total of all expenses for the committee shall not exceed $30,000.00.

RESOLVED FURTHER, That Act No. 91, S. J. R. 3, 1983 First Special Session is hereby repealed.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Adams, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 43, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Foshee, Bishop, Teague, Kirkland, and Covington:

S. J. R. 39. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE PROBLEMS CONCERNING AUBURN UNIVERSITY.

WHEREAS, the current problems facing Auburn University, including faculty unrest concerning the president, have recently received much coverage by the news media; and

WHEREAS, the reason for the continuation of said problems and unrest in the headlines is questioned by the legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it being the concern of all the citizens of this state for this great institution, the legislature wants the current problems and unrest at Auburn University thoroughly investigated.

BE IT FURTHER RESOLVED, That, an interim committee of the legislature shall be created consisting of four members of each house to be appointed by the respective presiding officer, with the power and authority to elect their own chairman, set their own rules, subpoena witnesses, and to

receive the usual legislative pay and per diem, with the clerk of the house and the secretary of the senate to furnish the necessary clerical help therefor.

BE IT FURTHER RESOLVED, That the joint interim committee created hereby report to the legislature from time to time in order to keep the members informed as to the nature of the problems and to make recommendations for the solution thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Carothers offered the motion to suspend the rules and that the House concur in and adopt the resolution, S. J. R. 39, set out in the above and foregoing Message from the Senate.

SUBSTITUTE MOTION ADOPTED

On substitute motion offered by Rep. White (L), the resolution, S. J. R. 39, was indefinitely postponed.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. White (L):

H. R. 104. COMMENDING MR. SAM C. DOSS, JR., PROMINENT PUBLIC SCHOOL EDUCATOR.

Also:

The following resolution was introduced:

By Reps. Sasser, Holmes, Grimsley, Rogers, Moore, Grouby, Lauderdale, Newman, White (F) and Venable:

H. J. R. 105. URGING THE CITIZENS OF THIS STATE AND NATION TO REFRAIN FROM THE PURCHASE OF ALL PRODUCTS, GOODS AND EQUIPMENT MANUFACTURED BY ATARI, INCORPORATED.

WHEREAS, the Alabama Legislature, on behalf of the citizens of Alabama and the people of these United States, expresses utter shock and disbelief over the recent announcement by Atari, Incorporated, that its products, in the future, will be manufactured in Hong Kong and Taiwan; and

WHEREAS, such a decision has already resulted in the loss of employment for some 1700 Americans and will of course spell disaster for additional thousands of American workers; and

WHEREAS, the Atari Company, manufacturers of Pac-Man and other video games, indisputably owes its success to the acceptance and open pocketbooks of the American public, a fact that has been totally ignored by such a Judas decision made by perhaps a mere handful of executive ingrates; and

WHEREAS, further, during a time of such grave economic distress in this country, "Buy American" must become a philosophy of life and we can no longer tolerate American manufacturers who adopt a policy of biting the hand that feeds them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all citizens of Alabama and the entire United States to immediately refrain from the purchase of all products, goods and equipment manufactured by Atari, Incorporated, and its parent corporation, Warner Communications, Incorporated, unless and until a decision is made to continue their product manufacturing in the United States.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded immediately to officials of the aforementioned manufacturers that they might reassess their loyalties and priorities.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 105, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 105:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Bryant, Butler, Carter, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Hall, Horn, Howard, Johnson (R. G.), Junkins, Kennedy, Laird, Langford, Layton, Lewis, McKee, Martin, Mathis, Murphy, Nevett, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Seibels, Smith, Thomas, Trammell, Tucker, Turner, Waggoner, Warren, White (L) and Wright.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 11. To amend Sections 25-4-10, 25-4-16, 25-4-32, 25-4-51, 25-4-52, 25-4-54, 25-4-70, 25-4-72, 25-4-73, 25-4-74, 25-4-77, 25-4-78, 25-4-91, 25-4-130, 25-4-132, 25-4-133 and 25-4-145, Code of Alabama 1975, as last amended (The Alabama Unemployment Compensation Act), so as to extend the exemption from the definition of "employment" services performed by certain aliens until January 1, 1984; to remove age restrictions for exemption from coverage of a full time student participating in a work study program, to exclude from coverage certain qualified real estate agents and direct sellers; to increase the taxable wage base to $8,000 and to provide for its retroactive effect to January 1, 1983; to clarify exemption/non-exemption of wages into or from a tax deferred trust; to extent to 35 years the period during which certain moneys credited to the fund may be used for administrative purposes; to clarify certain provision and procedures dealing with governmental entities; to amend the amount of surety bond required from non-profit organizations; to provide for an experience rating charge upon payment of benefits equaling the claimant's weekly benefit amount; to increase employee tax to 1.0% and to provide for its retroactive effect to January 1, 1983; to increase the maximum tax rate for employers to 5.0% January 1, 1984 and to 5.4% January 1, 1985; to provide for an emergency surcharge on employers of 25% of the employer's computed tax rate (limited to an increase of 0.7 percent) and to provide for its retroactive effect to January 1, 1983 and to set criteria for the termination of such surcharge; to require denial of benefits between academic terms or years for non-professional employees of institutions of higher education under certain condi-

tions and for retroactive payment of benefits to non-professional employees of any institution of education operated by a governmental or non-profit organization under certain conditions; to provide for an increase in weekly benefit amount to $120 effective with weeks of unemployment commencing in benefit years beginning on or after the first Sunday of the first calendar quarter which begins at least 90 days after the effective date of this act; to increase the minimum weekly benefit amount to $22 effective the same date; to provide that the separation from a job subsequent to a voluntary quit, discharge for dishonest or criminal act or a discharge for misconduct after warning must be for a non-disqualifying reason (with wages equal to 10 times weekly benefit amount subsequent to a separation for criminal misconduct), increases the disqualification for industrial misconduct to 4-8 weeks, all effective with benefit years beginning 30 or more days after the effective date of this act; to authorize the director to collect overpayments, waive overpayments and to establish limitations of time on such actions; and to provide other minor non-controversial technical revisions.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 58. TO ESTABLISH THE JOINT INTERIM COMMITTEE ON STUDY OF THE CAHABA RIVER.

WHEREAS, there is a great need to study the Cahaba River for preservation and tourism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there shall be an interim committee to study the Cahaba River for the purpose of investigating its potential for use as a recreational, educational and tourist attraction and such committee is hereby established. The committee shall be composed of the members of the Senate Standing Committee on Agriculture, Conservation and Forestry and the House Standing Committee on Natural Resources. The members shall elect a chairman and co-chairman from among its members and meetings shall be at the call of the chair or upon the request of six members in writing. The committee shall form its own rules for the conduct of its meetings. The legislative members of the committee shall receive their regular legislative compensation to be paid from funds appropriated to the legislature. The total compensation paid to the members of this committee shall not exceed $4,000. The final report of the committee, along with findings and recommendations shall be submitted to the legislature no later than the fifth legislative day of the 1983 Regular Session. Upon the submis-

sion of the final report, the committee shall stand dissolved.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 37. To provide further for the membership of the continuing legislative committee, known as the legislative council of the state of Alabama, so as to include the chairman of the rules committee in both the house and senate, and the chairman of the house local government committee, and the chairman of the senate governmental affairs committee.

Also:

H. 25. To amend Section 36-17-8 of the Code of Alabama 1975 as amended by Act 83-78 relating to the procedures for the State Treasurer in paying principal and interest on bonded indebtedness by a fiscal agent and more specifically to alter Section 1(c) dealing with the number of fiscal agents so as to make this subsection conform to other sections of the code.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bailey and Corbett:

S. J. R. 52. REQUESTING THAT THE SECRETARY OF THE ARMY EXERCISE HIS AUTHORITY TO MAINTAIN NAVIGATION ON THE APALACHICOLA RIVER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carothers, the rules were suspended and the House

concurred in and adopted the resolution, S. J. R. 52, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Boyington and Menton:

S. J. R. 53. URGING THE MOBILE COUNTY COMMISSION TO ASSUME ITS CONSTITUTIONAL RESPONSIBILITY IN PROVIDING AID TO THE UNIVERSITY OF SOUTH ALABAMA MEDICAL CENTER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Zoghby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 53, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Amari:

S. J. R. 60. EXPRESSING THE CONCERN OF THE ALABAMA LEGISLATURE FOR OUR NATION'S ELDERLY CITIZENS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Payne, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 60, the title of which is set out in the above and foregoing Message from the Senate.

RECESS

On motion of Rep. Manley, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal

Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Senators: Goodwin, Foshee, and Kirkland.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Goodwin, Kirkland, Denton, Bailey, Dixon, Robertson, Barron, Little, Mitchell, Menton, Keener, Harrison, Cooley and Bachus:

S. J. R. 66. COMMENDING AND HONORING WILLIAM M. "BILL" RUSHTON.

Also:

By Senator Bishop:

S. J. R. 68. MOURNING THE DEATH OF MR. JOE ZIFF OF JASPER, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, consideration of the resolution, S. J. R. 66, the title of which is set out in the above and foregoing Message from the

Senate, was temporarily postponed.

On motion of Rep. Nicholson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 68, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Martin, the rules were suspended in order to take up out of order the bill, S. 27.

And the bill:

S. 27. (With Substitute) (With Amendment): Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Senate Bill 27 as introduced authorizes the use of electronic voting equipment and creates the Alabama Electronic Voting Committee. This bill will reduce the funds appropriated for the use of the Legislature by an amount dependent on the number of committee meetings. Additionally, this bill will increase the election expenses of local governing bodies that elect to use electronic vote counting equipment and will increase the obligations of the Secretary of State's office by not more than $2,000 per fiscal year.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; providing definitions and procedures for implementation of the provisions of the Act; prescribing that the provisions of this Act shall be cumulative; specifically prescribing that no provision herein shall be construed to repeal any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in direct conflict herewith; and limiting the authority of the Alabama Electronic Voting Committee to only the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This Act shall be known as The 1983 Election Reform Act.

Section 2. Definitions of terms.

For the purposes of this Act, the following terms shall have the mean-

ings respectively ascribed to them by this section:

(a) Electronic Vote Counting System. A system in which votes are recorded on a paper ballot or on a ballot card by means of marking or by means of punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations.

(b) Automatic Tabulating Equipment. Such term shall include any apparatus necessary to examine and count automatically votes designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

(c) Ballot. Such term shall include ballot cards, ballot labels, and paper ballots.

(d) Ballot Card. A ballot which is voted by the process of punching or marking.

(e) Ballot Label. A card, paper, booklet, or other material which contains the names of the offices and candidates and statements of questions to be voted on.

(f) Committee. The Alabama Electronic Voting Committee.

Section 3. Requirements for Approval.

(a) The governing body of any county or municipality or other political subdivision of the state may, in its discretion, by adoption of an appropriate resolution, authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such county or municipality or other political subdivision or any portion thereof; and such resolution, a copy of which shall be filed with the secretary of state, shall specify the particular type of equipment to be used and a procedure for implementation.

(b) Provided, however, that no such electronic vote counting system shall be used unless it has been constructed so that it shall:

(1) Permit and require voting in secrecy.

(2) Permit each elector to vote at any election for all persons and offices for whom and for which he or she is lawfully entitled to vote; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote.

(3) Permit the voter at other than primary elections to vote a straight political party ticket in one operation.

(4) Permit such automatic tabulating equipment to be set to reject all votes for any office or question when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or question.

(5) Be capable of correctly counting votes.

(6) When used in primary elections, the automatic tabulating equipment will count only votes for the candidates of one party, reject all votes for an office when the number of votes therefor exceeds the number which the voter is entitled to cast, and reject all votes of a voter cast for candidates of more than one party.

(7) At presidential elections to permit each elector, by one operation, to vote for all presidential electors of a party or independent candidates for

president or vice president.

(8) Provide a method for write-in voting.

(9) Be capable of accumulating a count of the specific number of ballots tallied for a precinct; and accumulating total votes by candidate for each office, and accumulating total votes for and against each question for such precinct.

(10) Be capable of tallying votes from ballots of different political parties from the same precinct, in the case of a primary election.

(11) Be capable of automatically producing precinct vote totals in printed, marked, or punched form, or a combination thereof.

(12) Be capable of accurately and correctly tabulating each vote and to have the same so certified.

Section 4. There is hereby created the Alabama Electronic Voting Committee which shall consist of five members. The committee shall consist of Secretary of State, a representive appointed by the Attorney General and one Judge of Probate appointed by the Chief Justice of the Supreme Court who shall serve without pay or reimbursement for expenses. Additionally, one member from the House of Representatives and one member from the Senate, to be appointed by the presiding officer of each house who shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The Judge of Probate shall be chairman. The committee shall meet at the call of the chair or any three members.

Section 5. Examination and Certification of Equipment. It shall be the duty of the Committee to ensure the examination, and certification of electronic vote counting systems in the following manner:

(a) By publicly examining all makes of electronic vote counting systems submitted and certifying whether such systems comply with the requirements of Section 5 of this Act.

(b) By inviting any vendor or company interested in selling electronic vote counting system in Alabama to submit such equipment for examination. The vote counting system shall be certified after a satisfactory evaluation and testing has been performed according to electronic industry standards. For the purpose of assisting in examining such system, the committee shall employ not more than three individuals who are expert in one or more fields of data processing, mechanical engineering, and public administration, who may or may not be state employees and shall require from them a written report of their examination. The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the state treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified. No member of the committee nor any examiner shall have any pecuniary interest in any voting equipment.

(c) After certification of any electronic vote counting system the secre-

tary of state shall make and maintain a report on the system, and as soon as practicable shall send a notice of certification and, upon request, a copy of the report to all governing bodies of the counties of the state. Any electronic vote counting system that does not receive certification shall not be adopted or used at any election. After an electronic vote counting system has been certified, any change or improvement in the system shall be certified by the committee prior to the adoption of such change or improvement by any county. The committee shall not re-examine or recertify the system in its entirety. However, if any of the changes do not comply, the committee shall suspend all sales of the equipment or system in the state until such equipment or system complies with the requirements of this Act.

Section 6. Voting Equipment Information.

Examinations shall be conducted and a report of certification or rejection issued within ninety (90) days following request by vendor or company.

Section 7. Procedure for Implementation of this Act.

(a) So far as practicable, the procedures for voting paper ballots and voting machines as prescribed in Chapters 8 and 9 of Title 17 of the Code of Alabama 1975, shall apply to procedures followed pursuant to this Act.

(b) It shall be the duty of the committee to prescribe other procedures where necessary to achieve and maintain the maximum degree of correctness and impartiality of voting, counting, tabulating, and recording votes, by electronic counting systems provided by this Act.

Section 8. Instructions to Voters.

(a) If electronic vote counting systems are used, for the instruction of voters on election day, the election officials shall provide at each polling place one instruction model illustrating the manner of voting. Each such instruction model shall show the ballot arrangement of offices, candidates and questions to be voted on. Such model shall be located at a place which voters must pass to reach the official voting booth.

(b) If electronic voting systems are used, before entering the voting booth each voter shall be offered instruction in voting by use of the instruction model, and the voter shall be given ample opportunity to operate the model. In instructing voters, no precinct official may show partiality to any political party or candidate.

Section 9. Testing of Equipment.

(a) Not more than 10 days prior to the election the officials charged with the responsibility of conducting the election shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be given at least forty-eight (48) hours prior thereto by written public service announcement, notices to newspapers and radio and television stations in the county and by filing such notice with the secretary of state. The election officials shall convene, and each shall certify to the accuracy of the test. The test shall be open to the public.

(b) The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascer-

tained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. Such test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above. After the completion of the count, the test shall be repeated. The programs and ballots used shall be sealed and retained under the custody of the election officials charged with the responsibility of conducting the election.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in direct conflict herewith.

Section 12. The authority of the Alabama Electronic Voting Committee relative to voting equipment shall be limited to the electronic vote counting equipment authorized under the provisions of this Act and such Committee shall have no authority to examine, approve, disapprove or otherwise affect the use of voting equipment authorized under Title 17, Chapter 9, Code of Alabama 1975.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend the Judiciary Committee Substitute to S.B. 27, Section 7(b), on page 6, line 29, by striking the words

~~or other~~

where same appear thereon.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Butler, Carter, Casey, Coburn, Coleman, Cosby, Davis,

Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holmes, Horn, Johnson (A. L.), Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Murphy, Nevett, Newman, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, S. 27 as amended:

Amend Substitute to Senate Bill 27, page 1, in the Synopsis, line 22, after the period, by adding the following:

It provides for a referendum.

And in the Title, page 2, after the period on line 9 by adding the following:

It provides for a referendum.

And page 8, immediately following line 21 by adding a new Section 13 and renumbering remaining sections accordingly. New Section 13 to read as follows:

Section 13. Should county commissions elect to implement the provisions of this Act, an election shall be held in the county on the date of the next general, primary or special election.

AMENDMENT TABLED

On motion of Rep. Martin, the amendment offered by Rep. Payne to the bill, S. 27 as amended, was tabled.

Yeas 67; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams and Zoghby.

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Nays:

Reps.: Hall, Lewis, Nevett, Rains and Wright. —5

And the bill, S. 27, as thus amended, was read a third time at length and passed.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Hettinger, Holmes, Horn, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

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Nay: Rep. Hall. —1

And the bill:

H. 21. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; and providing definitions and procedures for implementation of the provisions of the Act.

Was taken up.

H. 21 INDEFINITELY POSTPONED

On motion of Rep. Martin, the bill, H. 21, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, S. 14.

And the bill:

S. 14. (With Substitute): To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama and codified in Article 5 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certan specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereun-

der; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state and to industrial development boards created under Division 1 of Article 4 of Chapter 54, Title 11, Code of Alabama 1975, as amended, to include projects providing hotel, motor inn, and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce and Industrial Development, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama, approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such

bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state to include projects providing hotel, motor inn, and similar daily or monthly lodging services, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

Be It Enacted by the Legislature of Alabama:

Section 1. That the title of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama, approved August 8, 1979 (herein called "Act No. 79-722"), as heretofore amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 adopted at the 1982 Regular Session of the Legislature of Alabama, and approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975, pocket part, shall be and is hereby amended to read as follows:

"Relative to Class 1, 2, 3, 4, 5, 6, 7 and 8 municipalities in this state ~~having a population of not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census~~; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel and similar daily or monthly lodging services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor except that municipal property may be leased or sold for fair market value or rental to be conclusively determined by the governing body of the municipality owning such property; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, and to add a section to said Act 79-722 providing that contracts incident to projects acquired, contracted or financed hereunder shall be exempt from certain competitive bid laws, applicable to municipalities."

Section 2. That Section 1 of Act No. 79-722, as heretofore amended, (Section 11-54-140, Code of Alabama 1975, pocket part) shall be and is

hereby further amended to read as follows:

"Section 1. DEFINITIONS. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means either, as the case may be, any Class 1, 2, 3, 4, 5, 6, 7 and 8 incorporated city in this state ~~having a population of not more than 99,999 inhabitants according to the last or any subsequent Federal decennial census~~; "Project" means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by any commercial enterprise in furnishing hotel, motor inn, or similar daily or monthly lodging services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust."

Section 3. Said Act No. 79-722 is further amended by the addition thereto of the following Section 11A thereto:

"Any municipality when acting pursuant to the authority of this act, and all contracts entered into incident to any project acquired, constructed or financed under this act shall be exempt from the provisions and requirements of Sections 41-16-50 through 41-16-63 which provide for competitive bids in connection with certain contracts."

Section 4. Section 9 of said Act 79-722 (Section 11-54-148, Code of Alabama 1975, pocket part) is hereby amended to read as follows:

"No municipality shall have the power to pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and shall not have the power to use land already owned by the municipality, or in which the municipality has an equity, for construction thereon of a project or any part thereof; provided, however, that municipal property which is not needed for public or municipal purposes may be sold for fair market values to be conclusively determined by the governing body of the municipality owning such property. The entire cost of acquiring any project must be paid out of the proceeds from the sale of bonds issued under the authority of this article; provided, however, that this provision shall not be construed to prevent a municipality from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project."

Section 5. The provisions of this act are cumulative and are not intended to be in conflict with the provisions of any similar code or statutory provision, or to restrict any powers otherwise granted to any municipality.

Section 6. Act No. 79-722, Act No. 80-315 and Act No. 82-440, now codified as Article 5 of Chapter 54 of Title 11, Code of Alabama 1975, pocket part, as herein amended, are hereby adopted, approved, ratified and confirmed in all respects.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Crow, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Holmes, Horn, Johnson (A. L.), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Reed, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Waggoner, Williams and Wright.

—63

Nay: Rep. Rains. —1

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, S. 14, as amended:

In the synopsis, page 1, line 16, and in the title, page 2, lines 26 and 27, delete the phrases "and similar daily and monthly lodging facilities" and "and similar daily or monthly lodging facilities" respectively.

In section 1, page 3, delete lines 13 and 14 completely and insert in lieu thereof the following language:

enterprise in furnishing hotel services, excluding specifically public dormitories or student housing facilities for institutions of higher learning, but including food or lodging or both, and the rental of ground

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Horn, Johnson (A. L.), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—71

The question was then on the passage of the bill, S. 14 as amended.

MOTION TO POSTPONE TABLED

On motion of Rep. Waggoner, the motion offered by Rep. Cosby to postpone consideration of the bill, S. 14 as amended, for ten minutes, was tabled.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint

Resolutions and returns same herewith to the House:

H. J. R. 90. COMMENDING BIRMINGHAM POLICE OFFICER DAN BIANCHI, RECIPIENT OF THE DEPARTMENT'S MEDAL OF VALOR.

Also:

H. J. R. 91. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 92. COMMENDING THE FLOMATON HIGH SCHOOL WOMEN'S BASKETBALL TEAM.

Also:

H. J. R. 94. RECOGNIZING THE EVENDER G. SPRADLIN, II, FAMILY WHICH HAS BEEN HONORED AS FORT RUCKER, ALABAMA'S GREAT AMERICAN FAMILY.

Also:

H. J. R. 99. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. GRADY NUTT OF LOUISVILLE, KENTUCKY.

Also:

H. J. R. 97. CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

Also:

H. J. R. 100. COMMENDING AND HONORING WILLIAM M. "BILL" RUSHTON.

McDOWELL LEE,
Secretary.

REPORT OF CONFERENCE COMMITTEE

H. B. 36. We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 36, have met, considered the matter, and agreed to the following report.

We recommend that the attached Conference Committee Substitute be adopted.

John Casey

J. W. "Joe" Goodwin

Charles B. Martin

CONFEREES OF THE HOUSE

E. C. "Crum" Foshee

Earl Goodwin

Reo Kirkland, Jr.

CONFEREES OF THE SENATE

A BILL
TO BE ENTITLED
AN ACT

To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975; the Alabama Criminal Justice Information Center as created and provided for by Sections 41-9-590 through 41-9-648, Code of Alabama 1975; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); the Office of Highway and Traffic Safety; the Alabama Law Enforcement Planning Agency; the Alabama Criminal Justice Information Center; and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Department of Economic and Community Affairs within the office of the Governor and directly under his supervision and control. The Department of Economic and Community Affairs shall consist of: The Governor, the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, the Alabama Criminal Justice Information Center and the Office of Employment and Training as presently created by and provided for in Sections 41-9-205 through 41-9-214, Sections 41-6A-1 through 41-6A-11, Sections 41-8A-1 through 41-8A-4, Sections 41-8A-8 through 41-8A-10, and Sections 41-8A-12 through 41-8A-13, 32-4-1 through 32-4-7, 41-9-590

through 41-9-648, and Executive Order No. 34, 1980, respectively, and in accordance with the applicable federal laws. All respective functions, duties, responsibilities, obligations, property rights, appropriations, employees, property and supplies as provided by said sections, and whether accruing or vesting, are hereby transferred to and vested in the Department of Economic and Community Affairs.

Section 2. Present employees in the classified service of the state merit system within each agency transferred in Section 1 of this Act whose job classifications are not abolished hereinafter, shall continue with the Department of Economic and Community Affairs in such functions deemed necessary to carry out the duties and responsibilities of the Department of Economic and Community Affairs. Other employees necessary to implement the duties and functions of the Department of Economic and Community Affairs may be employed subject to the provisions of the state merit system laws and shall be entitled to the same rights and benefits thereunder. Salaries set for such employees shall not exceed the salary set by law for executive department heads.

Nothing herein shall be construed to prevent or preclude the removal of an employee in a manner provided by this Act, or for cause in a manner provided by law.

Section 3. All appropriations heretofore or hereafter made to: the Office of State Planning and Federal Programs, the Alabama Department of Energy, the Alabama Law Enforcement Planning Agency, the State Manpower Planning Council (CETA), the Office of Highway and Traffic Safety, the Alabama Criminal Justice Information Center, and the Office of Employment and Training are hereby consolidated and transferred to the Department of Economic and Community Affairs.

Section 4. (a) The Governor shall appoint a chief administrative officer to be designated as director of the Department of Economic and Community Affairs. Such officer shall serve at the pleasure of the Governor at a salary to be set in the same manner and with the same limitations as otherwise provided by law for executive department heads. The director of the said department shall be a member of such boards, councils and commissions, as they relate to his authority under the provisions of this Act, and as required and currently authorized under the various federal programs and as approved by the Governor.

(b) The Governor through the Department of Economic and Community Affairs shall encourage comprehensive and coordinated planning and programming of economic and community affairs.

Section 5. (a) The director of the Department of Economic and Community Affairs, with the approval of the Governor, may establish such division or divisions as may, in his discretion, be reasonably necessary for the administration and enforcement of any law, rule or regulation with which the department is charged or the performance of any of its functions or duties. Each division in the department shall be headed by and be under the direction, supervision and control of an officer who shall be designated as the chief of such division. All chiefs of divisions shall be appointed by the director of said department, with the approval of the Governor. Before entering upon the discharge of their duties, such chiefs of divisions shall take the constitutional oath of office. Each of such officers shall devote his full time to his official duties and shall hold no other lucrative position while serving as such. The offices or positions of director of any of the merged departments or agencies are hereby abolished.

(b) It is one of the purposes of this Act to coordinate, into one department, the functions of the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, the Alabama Criminal Justice Information Center and the Office of Employment and Training or any successor thereto. There is hereby established the following divisions: The Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, the Alabama Criminal Justice Information Center, and the Office of Employment and Training. The functions of each division shall be administered by a division chief who shall be full-time and salaried as now provided by law. Each division chief shall report to and be under the supervision of the director of the Department of Economic and Community Affairs.

Section 6. The director of the Department of Economic and Community Affairs may prescribe such reasonable rules and regulations for the conduct of its business and made in accordance with the Alabama Administrative Procedure Act.

Section 7. Legislative Oversight Commission. (a) There is hereby created the Department of Economic and Community Affairs Legislative Oversight Commission to consist of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate to be appointed by the Lieutenant Governor, the Chairman and Vice Chairman of the House Ways and Means Committee, and three members of the House of Representatives to be appointed by the Speaker of the House.

(b) The Commission shall hold an organizational meeting within thirty (30) days after this bill is enacted, and shall elect a chairman and vice chairman from among its members. Thereafter, the Commission shall meet at least two times annually, and additional meetings shall be held at the call of the Chairman or upon the request of six or more members. Such meetings shall be held with the Director of the Department of Economic and Community Affairs in attendance.

(c) The Commission shall adopt its own rules of procedure for the transaction of business, and a majority of the members present shall constitute a quorum for the purpose of transacting business or performing authorized duties.

(d) Each member of the Commission shall be entitled to his or her regular legislative compensation and per diem and travel expenses for each day he or she attends a meeting or conducts business of the Commission, and such compensation and expenses shall be paid from the funds appropriated for the use of the Legislature.

(e) The Commission shall monitor and evaluate the management and operations of the Department of Economic and Community Affairs, shall recommend to the Legislature the enactment of such laws respecting the Department of Economic and Community Affairs as the Commission shall deem desirable, and shall submit a written report on the operations, finances and grants made by the Department of Economic and Community Affairs during each Regular Session of the Alabama Legislature.

Section 8. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect

the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Casey, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 36, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Horn, Howard, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starr, Thomas, Thornton, Trammell, Tucker, Venable, White (F) and White (L).

—72

And the bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holmes, Horn, Howard, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Venable, White (F), White (L) and Williams.

—73

S. 14 RESUMED

Rep. Waggoner offered the following amendment #2 to the bill, S. 14 as amended:

Amend substitute for S.B. 14 on page 4, Section 2, lines 22 and 23 by deleting the following language:

~~motor inn, or similar daily or monthly lodging services,~~

Further amend by substituting in lieu of the above language the following:

excluding specifically public dormitories or student housing facilities for institutions of higher learning,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Holmes, Horn, Howard, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—72

And the bill, S. 14, as thus amended, was read a third time at length and passed.

Yeas 70; Nays 6.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Clark, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Gaston,

Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holmes, Horn, Howard, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Poole, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—70

Nays:

Reps.: Casey, Freeman, Parker, Preuitt, Rains and Stout.

—6

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Owens, the rules were suspended in order to take up out of order the bill, S. 33.

And the bill:

S. 33. To create the position of assistant director of the department of aeronautics; to provide for his appointment, duties and salary.

Was taken up.

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, S. 33:

On page 1, Section 1, lines 20 and 21, delete the following language:

, whether under the merit system or otherwise

On page 1, Section 1, line 25, delete the figure $500, and insert in lieu thereof:

$8,000

On page 1, Section 1, lines 28 through 31, delete all the language following the period.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holmes, Horn, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Waggoner, Warren, White (F), White (L) and Wright.

—65

And the bill, S. 33, as thus amended, was read a third time at length and passed.

Yeas 68; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Casey, Clark, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Holmes, Horn, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—68

Nays:

Reps.: Brooks, Butler, Carter, Flowers and Freeman. —5

RESOLUTION

The following resolution was introduced:

By Rep. Lewis:

H. J. R. 106. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, February 24, 1983, we adjourn Sine Die.

On motion of Rep. Lewis, the rules were suspended and the resolution, H. J. R. 106, was adopted.

BILLS ON THIRD READING

And the bill:

S. 19. (With Amendment): To authorize, pursuant to Section 25(20) and (21) of Act No. 80-529 (Acts of Alabama 1980, pp. 806, et seq; Section 28-3A-25(20) and (21), Code of Alabama 1975, pocket part), the sale, service and consumption of alcoholic beverages on Sunday after 2:00 o'clock a.m. at licensed places and establishments in Class I cities; to authorize Class I cities to restrict and regulate such sales, service, and consumption by ordinance which provide fines for the violation thereof adopted by the governing body thereof; supersede all provisions of laws, regulations, or ordinances in conflict with this act; to repeal all provisions of local laws and general laws of local application inconsistent with the act; to make the provisions of the act severable; and, to provide for the effective date of the act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend S.B. 19, page 2, Section 7, line 20, by deleting Section 7 and inserting in lieu thereof the following:

"Section 7. This act shall become effective only after being approved by a citywide referendum by the voters of all Class I cities after the signing hereof by the Governor, or its otherwise becoming law."

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Tucker to indefinitely postpone the bill, S. 19 with pending amendment was lost.

Yeas 1; Nays 19.

Yea: Rep. Tucker. —1

Nays:

Reps.: Bennett, Biddle, Boles, Davis, Escott, Howard, Layton, Lewis, Moore, Murphy, Nevett, Payne, Rogers, Scott, Seibels, Thornton, Trammell, Waggoner and Wright.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, S. 19, and the amendment was adopted.

Yeas 17; Nays 1.

Yeas:

Reps.: Bennett, Biddle, Boles, Davis, Horn, Layton, Lewis, Moore, Murphy, Nevett, Payne, Rogers, Scott, Seibels, Trammell, Waggoner and Wright.

—17

Nay: Rep. Tucker. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 19 INDEFINITELY POSTPONED

The question was then on the passage of the bill, S. 19 as amended, and on motion of Rep. Payne the bill was indefinitely postponed.

Yeas 13; Nays 8.

Yeas:

Reps.: Biddle, Boles, Howard, Layton, Lewis, Moore, Murphy, Nevett, Payne, Trammell, Tucker, Waggoner and Wright.

—13

Nays:

Reps.: Bennett, Davis, Escott, Horn, Rogers, Scott, Seibels and Thornton.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 71. COMMENDING MR. WILLIAM M. BROWN UPON HIS INDUCTION INTO THE ALABAMA LIVESTOCK HALL OF FAME.

Also:

By Senators Kirkland, Bedford, Cooley, Denton, Dixon, Covington, Little, Goodwin, and Mitchell:

S. J. R. 72. UNITED STATES CONGRESS URGED TO REPEAL THE PROVISIONS RELATED TO WITHHOLDING ON SAVINGS IN THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Warren, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 71 and S. J. R. 72, the titles of which are set out in the above and foregoing Message from the Senate.

S. J. R. 66 RESUMED

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 66, which previously was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Warren the rules were suspended in order to take up out of order the bill, S. 4.

And the bill:

S. 4. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hettinger, Holmes, Johnson (A. L.), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Mathis, Melton, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Venable, Waggoner, Warren, White (F), White (L), Williams and Wright.

—68

And the bill:

H. 20. To amend Section 11-47-14 of the Code of Alabama, 1975, to permit all municipalities to issue bonds to construct a wharf or wharves and a landing or landings, and to purchase real estate therefor, within the city limits, or within twenty-five miles thereof.

Was taken up.

H. 20 INDEFINITELY POSTPONED

On motion of Rep. Clark, the bill, H. 20, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Sasser, the rules were suspended in order to take up out of order the bill, S. 2.

And the bill:

S. 2. Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

Was taken up.

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, S. 2:

This is to amennd SB 2 as follows:

In Section 1, line 24, after the word "project", insert the following language:

, financed entirely by the State of Alabama or any political subdivision thereof,

In Section 1, line 27, after the period, insert the following language:

If, in the opinion of the Highway Director, the procurement of the above mentioned domestic steel products becomes impractical as a result of a national emergency, national strike, or other cause, the Highway Director may waive the above restriction for highway related projects. If, in the opinion of the Director of the Building Commission, the procurement of the above mentioned domestic steel products becomes impractical as a result of national emergency, national strike, or other causes he may waive the above restriction for building construction.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blakeney, Bowling, Box, Brooks, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Faulk, Flowers, Goodwin, Grimsley, Grouby, Holmes, Junkins, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Murphy, Newman, Owens, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Smith, Starkey, Stout, Thomas, Trammell, Warren, White (F), White (L), Williams, Wright and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 2, as thus amended, was read a third time at length and passed.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Blakeney, Bowling, Box, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Holmes, Junkins, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Sasser, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Venable, Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—60

Nay: Rep. Brooks. —1

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. J. R. 107. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM AS OUR STATE 4A CHAMPIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Coach Ronnie Page and his Hewitt-Trussville High School varsity wrestlers on their phenomenal 14-3 season record and the State 4A Championship; and

WHEREAS, it is further to be noted the accomplishments, in state competition, of Hewitt-Trussville wrestlers: Jeff Saxon who was individual State Champion in the 112-pound-class; Tim Minor who claimed his second consecutive championship in the 185-pound-class; and Ricky Everette who placed third in the State in the 105-pound-class; and

WHEREAS, also greatly contributing to the team's acquisition of the title, to their Sectional Championship at Erwin High School, and to other major victories over such outstanding teams as Erwin, Minor, Benjamin Russell, Huntsville and Vestavia were: Jimmy McEntyre, Ricky Everette, Jeff Saxon, Chris Woods, Jimmy Pyle, Todd Lyles, Phil Solwood, Tyson Muncher, Mike Pitts, Charles Cutcliffe and Tim Minor who also participated in the state tournament; and Gray Richardson, Mark Dormady, John Thompson, Kenny Kirkes and Craig Crimm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Coach Ronnie Page and the Hewitt-Trussville High School 4A Champion Wrestlers.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Page, on behalf of the entire team, with a copy also provided for

appropriate school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 107, was adopted.

MOTION TO RECESS LOST

The motion offered by Rep. Casey that the House stand in informal recess to the call of the Chair, was lost.

BILLS ON THIRD READING RESUMED

S. 15 TEMPORARILY POSTPONED

On motion of Rep. Buskey, the bill, S. 15, was temporarily postponed.

And the bill:

S. 16. To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns and similar short-term lodging facilities.

Was taken up.

AMENDMENT OFFERED

Rep. Buskey offered the following amendment to the bill, S. 16:

Amend S.B. 16 in the Synopsis, on page 1, line 11 by deleting the words ~~"or similar short term lodging facilities"~~

Further amend in the title, on page 1, lines 19 and 20, by deleting the words ~~"and similar short term lodging facilities"~~.

Further amend in Section 1, on page 2, line 6 by deleting the underlined words ~~"or similar daily or monthly lodging services,"~~ and insert in lieu thereof the following language:

, specifically excluding public dormitories or student housing facilities for institutions of higher learning

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Bowling, Box, Brooks, Browder, Bryant, Carothers, Casey, Clark, Coburn, Coleman, Cosby, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Holmes, Junkins, Kennedy, Laird, Langford, Layton, Martin, Mathis, Murphy, Newman, Nicholson, Owens, Parker, Poole, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Venable, Williams, Wright and Zoghby.

—50

Nay: Rep. Rains. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, S. 16 as amended:

Amend S.B. 16 on page 3, by inserting a new Section 3 and substituting in lieu thereof the following language:

Section 3. All hotels and motel inns built under this Act shall not be exempt from ad valorem taxes.

Further amend by renumbering subsequent section(s).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Box, Browder, Buskey, Carter, Casey, Clark, Coleman, Cosby, Davis, Drinkard, Flowers, Freeman, Goodwin, Grimsley, Grouby, Johnson (A.L.), Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Moore, Murphy, Nicholson, Owens, Parker, Poole, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

—48

Nays: Reps.: Butler, Carothers and Junkins. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 16, as thus amended, was read a third time at length and passed.

Yeas 54; Nays 15.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Bowling, Box, Browder, Bryant, Buskey, Carter, Clark, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Horn, Howard, Johnson (A.L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Melton, Newman, Poole, Reed, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—54

Nays:

Reps.: Brooks, Butler, Carothers, Casey, Flowers, Freeman, Hettinger, Holmes, Mathis, Nicholson, Owens, Parker, Preuitt, Rains and Williams.

—15

And the bill:

S. 15. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Which previously was temporarily postponed, was taken up.

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, S. 15:

Amend the bill on page 2, line 13 by inserting after the word and punctuation "improvements." the following:

The other provisions of this section notwithstanding, the alteration or change in the channel of any watercourse, the construction or maintenance of wharves or the construction of buildings or other improvements on or near wharves or wharf sites by any town or city outside the police jurisdiction of such town or city, shall require the authorization of (1) the county governing body if such alteration, change, construction, maintenance or improvement is to be accomplished in the unincorporated areas of such county; or (2) the governing body of any other town or city if such alteration, change, construction, maintenance or improvement is to be accomplished within the corporate limits of such other town or city."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Horn, Johnson (A.L.), Junkins, Kennedy, Laird, Langford, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Waggoner, White (F), White (L), Williams, Wright and Zoghby.

—68

Nays: Reps.: Carothers and Lauderdale. —2

SUBSTITUTE OFFERED

Rep. Boles offered the following substitute to the bill, S. 15 as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 11-47-15 of the Code of Alabama 1975 which authorizes cities and towns to construct and develop wharves and wharf facilities within their police jurisdiction so as to extend such authority to any county

commission in any area of the county outside the police jurisdiction of any city or town therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-47-15 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 11-47-15. The council or other governing body of any town or city may alter and change the channel of any watercourse in the police jurisdiction of the city or town and the county commission of any county may alter and change the channel of any watercourse outside the police jurisdiction of any town or city of the county and the council or other governing body of any such town or city and the county commission of any such county may construct and maintain wharves and construct buildings and other improvements on and near wharves and wharf sites and may collect wharfage dues and other charges thereon and rentals with respect thereto. Said council or other governing body and said county commission may lease to others all or any part of wharves or sites for wharves constructed, maintained or owned by such town or city or such county and any buildings and other improvements so constructed on or near any wharf or wharf site for public or private use for a period or periods not exceeding 40 years from the completion of such construction or for a period or periods not exceeding 40 years from the delivery of the lease if such construction shall have been completed before the date of delivery of the lease, and may authorize the lessees in such leases and their sublessees to construct or maintain buildings and other improvement upon the properties to leased and collect wharfage due thereon and to sublet all or any part of said wharves, buildings and other improvements."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

S. 15 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 15 as amended and with pending substitute, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and proceeded for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new

agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

and has requested that the present Conference Committee be discharged and a new Conference Committee appointed.

And the President and Presiding Officer of the Senate has appointed as Conferees on part of the Senate Senators: Goodwin, Kirkland, and Foshee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Casey, the House acceded to the request of the Senate that the present Conference Committee be discharged and a new Conference Committee be appointed.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Laird, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, White (F), White (L), Wright and Zoghby.

—76

Nay: Rep. Box. —1

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Casey, Martin and Goodwin.

S. 15 TAKEN UP

And the bill, S. 15 as amended and with pending substitute, having been previously temporarily postponed, was again taken up.

SUBSTITUTE TABLED

On motion of Rep. Waggoner, the substitute previously offered by Rep.

Boles, was tabled.

Yeas 37; Nays 32.

Yeas:

Reps.: Adams, Ashley, Bennett, Box, Bryant, Buskey, Clark, Coleman, Davis, Escott, Gaston, Goodwin, Holmes, Horn, Junkins, Kennedy, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Nicholson, Parker, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Waggoner and Zoghby.

—37

Nays:

Mr. Speaker, Blake, Bowles, Bowling, Brakefield, Brooks, Butler, Carothers, Casey, Coburn, Cosby, Dutton, Flowers, Freeman, Grimsley, Grouby, Hall, Howard, Johnson (A.L.), McKee, Manley, Newman, Owens, Payne, Poole, Preuitt, Rains, Trammell, Venable, White (L), Williams and Wright.

—32

And the bill, S. 15 as amended, was read a third time at length and lost, lacking a two-thirds vote.

Yeas 37; Nays 31.

Yeas:

Reps.: Adams, Ashley, Bennett, Box, Bryant, Buskey, Clark, Davis, Escott, Gaston, Goodwin, Holmes, Horn, Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Melton, Nevett, Parker, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Waggoner Wright and Zoghby.

—37

Nays:

Mr. Speaker, Blake, Boles, Bowling, Brakefield, Brooks, Butler, Carothers, Casey, Coburn, Coleman, Cosby, Dutton, Freeman, Grimsley, Grouby, Hall, Manley, Mathis, Moore, Murphy, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Richardson, Venable, White (L) and Williams.

—31

REPORT ON THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 90. COMMENDING BIRMINGHAM POLICE OFFICER DAN BIANCHI, RECIPIENT OF THE DEPARTMENT'S MEDAL OF VALOR.

Also:

H. J. R. 91. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 92. COMMENDING THE FLOMATON HIGH SCHOOL WOMEN'S BASKETBALL TEAM.

Also:

H. J. R. 94. RECOGNIZING THE EVENDER G. SPRADLIN, II, FAMILY WHICH HAS BEEN HONORED AS FORT RUCKER, ALABAMA'S GREAT AMERICAN FAMILY.

Also:

H. J. R. 97. CREATING INTERIM COMMISSIONS TO ASSESS THE STATE'S EDUCATIONAL NEEDS IN THE AREA OF HIGH TECHNOLOGY.

Also:

H. J. R. 99. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. GRADY NUTT OF LOUISVILLE, KENTUCKY.

Also:

H. J. R. 100. Commending and Honoring William M. "Bill" Rushton.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 108. COMMENDING MR. AND MRS. JASPER O. SMYLY OF MAGNOLIA, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

RECESS

On motion of Rep. Lewis, the House recessed to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 105. URGING THE CITIZENS OF THIS STATE AND NA-

TION TO REFRAIN FROM THE PURCHASE OF ALL PRODUCTS, GOODS AND EQUIPMENT MANUFACTURED BY ATARI, INCORPORATED.

Also:

H. J. R. 107. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM AS OUR STATE 4A CHAMPIONS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 27. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; providing definitions and procedures for implementation of the provisions of the Act; prescribing that the provisions of this Act shall be cumulative; specifically prescribing that no provision herein shall be construed to repeal any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in direct conflict herewith; and limiting the authority of the Alabama Electronic Voting Committee to only the provisions of this Act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 2. Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

Also:

S. 33. To create the position of assistant director of the department of aeronautics; to provide for his appointment, duties and salary.

McDOWELL LEE,
Secretary.

REPORT OF CONFERENCE COMMITTEE

H. B. 36. We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 36, have met, considered the matter, and agreed to the following report.

We recommend that the attached Conference Committee Substitute be adopted.

John Casey

J. W. "Joe" Goodwin

Charles B. Martin

CONFEREES OF THE HOUSE

E. C. "Crum" Foshee

Earl Goodwin

Reo Kirkland, Jr.

CONFEREES OF THE SENATE

A BILL
TO BE ENTITLED
AN ACT

To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); the Office of Highway and Traffic Safety; the Alabama Law Enforcement Planning Agency; and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established the Department of

Economic and Community Affairs within the office of the Governor and directly under his supervision and control. The Department of Economic and Community Affairs shall consist of: The Governor, the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training as presently created by and provided for in Sections 41-9-205 through 41-9-214, Sections 41-6A-1 through 41-6A-11, Sections 41-8A-1 through 41-8A-4, Sections 41-8A-8 through 41-8A-10, and Sections 41-8A-12 through 41-8A-13, 32-4-1 through 32-4-7, and Executive Order No. 34, 1980, respectively, and in accordance with the applicable federal laws. All respective functions, duties, responsibilities, obligations, property rights, appropriations, employees, property and supplies as provided by said sections, and whether accruing or vesting, are hereby transferred to and vested in the Department of Economic and Community Affairs.

Section 2. Present employees in the classified service of the state merit system within each agency transferred in Section 1 of this Act whose job classifications are not abolished hereinafter, shall continue with the Department of Economic and Community Affairs in such functions deemed necessary to carry out the duties and responsibilities of the Department of Economic and Community Affairs. Other employees necessary to implement the duties and functions of the Department of Economic and Community Affairs may be employed subject to the provisions of the state merit system laws and shall be entitled to the same rights and benefits thereunder. Salaries set for such employees shall not exceed the salary set by law for executive department heads.

Nothing herein shall be construed to prevent or preclude the removal of an employee in a manner provided by this Act, or for cause in a manner provided by law.

Section 3. All appropriations heretofore or hereafter made to: the Office of State Planning and Federal Programs, the Alabama Department of Energy, the Alabama Law Enforcement Planning Agency, the State Manpower Planning Council (CETA), the Office of Highway and Traffic Safety, and the Office of Employment and Training are hereby consolidated and transferred to the Department of Economic and Community Affairs.

Section 4. (a) The Governor shall appoint a chief administrative officer to be designated as director of the Department of Economic and Community Affairs. Such officer shall serve at the pleasure of the Governor at a salary to be set in the same manner and with the same limitations as otherwise provided by law for executive department heads. The director of the said department shall be a member of such boards, councils and commissions, as they relate to his authority under the provisions of this Act, and as required and currently authorized under the various federal programs and as approved by the Governor.

(b) The Governor through the Department of Economic and Community Affairs shall encourage comprehensive and coordinated planning and programming of economic and community affairs.

Section 5. (a) The director of the Department of Economic and Community Affairs, with the approval of the Governor, may establish such division or divisions as may, in his discretion, be reasonably necessary for the administration and enforcement of any law, rule or regulation with which the department is charged or the performance of any of its functions or duties. Each division in the department shall be headed by and be under

the direction, supervision and control of an officer who shall be designated as the chief of such division. All chiefs of divisions shall be appointed by the director of said department, with the approval of the Governor. Before entering upon the discharge of their duties, such chiefs of divisions shall take the constitutional oath of office. Each of such officers shall devote his full time to his official duties and shall hold no other lucrative position while serving as such. The offices or positions of director of any of the merged departments or agencies are hereby abolished.

(b) It is one of the purposes of this Act to coordinate, into one department, the functions of the Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training or any successor thereto. This is hereby established the following divisions: The Office of State Planning and Federal Programs, the Alabama Department of Energy, Alabama Law Enforcement Planning Agency, the Office of Highway and Traffic Safety, and the Office of Employment and Training. The functions of each division shall be administered by a division chief who shall be full-time and salaried as now provided by law. Each division chief shall report to and be under the supervision of the director of the Department of Economic and Community Affairs.

Section 6. The director of the Department of Economic and Community Affairs may prescribe such reasonable rules and regulations for the conduct of its business and made in accordance with the Alabama Administrative Procedure Act.

Section 7. Legislative Oversight Commission. (a) There is hereby created the Department of Economic and Community Affairs Legislative Oversight Commission to consist of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate to be appointed by the Lieutenant Governor, the Chairman and Vice Chairman of the House Ways and Means Committee, and three members of the House of Representatives to be appointed by the Speaker of the House.

(b) The Commission shall hold an organization meeting within thirty (30) days after this bill is enacted, and shall elect a chairman and vice chairman from among its members. Thereafter, the Commission shall meet at least two times annually, and additional meetings shall be held at the call of the Chairman or upon the request of six or more members. Such meetings shall be held with the Director of the Department of Economic and Community Affairs in attendance.

(c) The Commission shall adopt its own rules of procedure for the transaction of business, and a majority of the members present shall constitute a quorum for the purpose of transacting business or performing authorized duties.

(d) Each member of the Commission shall be entitled to his or her regular legislative compensation and per dieum and travel expenses for each day he or she attends a meeting or conducts business of the Commission, and such compensation and expenses shall be paid from the funds appropriated for the use of the Legislature.

(e) The Commission shall monitor and evaluate the management and operations of the Department of Economic and Community Affairs, shall recommend to the Legislature the enactment of such laws respecting the Department of Economic and Community Affairs as the Commission shall deem desirable, and shall submit a written report of the operations, finances

and grants made by the Department of Economic and Community Affairs during each Regular Session of the Alabama Legislature.

Section 8. All laws or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby specifically repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Casey, the House concurred in and adopted the Report of the new Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 36, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Casey, Clark, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Horn, Johnson (A. L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable, Waggoner and Wright.

—60

Nay: Rep. Lewis. —1

And the bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of: Title 41, Chapter 6A, **Code of Alabama 1975,** relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9,

Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

As amended by the Report of the new Committee on Conference, was again read at length and passed.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Casey, Clark, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Horn, Johnson (A.L.), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable and Wright.

—62

Nay: Rep. Lewis. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same hereiwith the House for its consideration:

By Senators Parsons, Amari, Proctor, Bedsole, and Barron:

S. J. R. 62. DEFINING THE LEGISLATIVE INTENT OF SECTION 25-4-78, CODE OF ALABAMA 1975, WHICH PROVIDES FOR DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS.

WHEREAS, Section 25-4-78, Subsection 4, Code of Alabama 1975, provides for disqualification for unemployment benefits for persons whose business licenses have been revoked or suspended; and

WHEREAS, the Department of Industrial Relations is interpreting this section in such a manner as may be questioned by the Legislature; and

WHEREAS, legislative intent is that when a person fails a licensing examination which is required to obtain work in that profession it is viewed that it is within the power of the potential licensee to pass that licensure examination; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the Department of Industrial Relations of the State of Alabama to interpret Section 25-4-78, Subsection 4 to mean that it is within the scope of the licensee to pass professional examinations before gaining employment and it is the responsibility of said person to do such.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the Department of Industrial Relations that he may know

of our wishes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Carothers offered the motion to suspend the rules and that the House concur in and adopt the resolution, S. J. R. 62, set out in the above and foregoing Message from the Senate.

DIVISION OF THE QUESTION

Rep. Box called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Carothers to suspend the rules in order to take up for immediate consideration the resolution, S. J. R. 62, and the motion was lost, lacking a four-fifths vote.

Yeas 25; Nays 25.

Yeas:

Reps.: Bennett, Biddle, Blake, Brakefield, Brooks, Carothers, Casey, Cosby, Dutton, Faulk, Grimsley, Grouby, Hettinger, Johnson (A. L.), Layton, Lewis, Moore, Murphy, Newman, Rice, Richardson, Scott, Starkey, Starr and White (L).

—25

Nays:

Reps.: Ashley, Blakeney, Box, Bryant, Buskey, Butler, Clark, Coleman, Flowers, Freeman, Gaston, Goodwin, Kennedy, Lauderdale, Melton, Parker, Payne, Poole, Preuitt, Rains, Stout, Thomas, Turner, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, S. J. R. 62, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 37. COMMENDING HOWARD K. LYNAM EASTERN AREA CHAMBER OF COMMERCE CITIZEN OF THE YEAR—1982.

Also:

S. J. R. 38. COMMENDING JACKSON COUNTY SHERIFF WILLIAM R. (BOB) COLLINS.

Also:

S. J. R. 42. COMMENDING THE HUNTSVILLE ALABAMA CITY COUNCIL ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN THE CITY OF HUNTSVILLE.

Also:

S. J. R. 43. CREATING A JOINT LEGISLATIVE COMMITTEE ON INDUSTRIAL EXPANSION, ECONOMIC GROWTH AND JOBS AND REPEALING ACT NO. 91, SJR 3, FIRST SPECIAL SESSION.

Also:

S. J. R. 44. DESIGNATING THE MUSEUM PROPOSED BY ALABAMA MINING MUSEUM, INCORPORATED, AS THE OFFICIAL STATE COAL MINING MUSEUM OF ALABAMA.

Also:

S. J. R. 45. CREATING A JOINT INTERIM COMMITTEE TO OVERSEE THE IMPLEMENTATION OF ACT NO. 80-381, WHICH CREATED THE ALABAMA HUMAN RESOURCES BOARD.

Also:

S. J. R. 47. CREATING THE CULLMAN COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 48. COMMENDING DALE COUNTY SHERIFF JAMES BRYANT MIXON FOR MERITORIOUS PROFESSIONAL ACCOMPLISHMENT.

Also:

S. J. R. 49. DEDICATING TROOP K, DRIVER LICENSE OFFICE AT DOTHAN IN MEMORY OF TROOPER MARVETTE HOLMES.

Also:

S. J. R. 52. REQUESTING THAT THE SECRETARY OF THE ARMY EXERCISE HIS AUTHORITY TO MAINTAIN NAVIGATION ON THE APALACHICOLA RIVER.

Also:

S. J. R. 53. URGING THE MOBILE COUNTY COMMISSION TO ASSUME ITS CONSTITUTIONAL RESPONSIBILITY IN PROVIDING AID TO THE UNIVERSITY OF SOUTH ALABAMA MEDICAL CENTER.

Also:

S. J. R. 58. TO ESTABLISH THE JOINT INTERIM COMMITTEE ON STUDY OF THE CAHABA RIVER.

Also:

S. J. R. 60. EXPRESSING THE CONCERN OF THE ALABAMA LEGISLATURE FOR OUR NATION'S ELDERLY CITIZENS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Manley, the rules were suspended in order to take up out of order the bill, S. 29.

And the bill:

S. 29. To amend Section 32-5-171, Code of Alabama, 1975, by inserting the words "Section 32-5A-191" in lieu of "Section 32-5-170" where the same appears in said section.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Casey, Clark, Coleman, Cosby, Davis, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Horn, Howard, Johnson (A. L.), Kennedy, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Moore, Murphy, Newman, Parker, Poole, Rains, Reed, Rice, Richardson, Rogers, Scott, Starkey, Starr, Stout, Thomas, Thornton, Turner, Venable, White (L), Wright and Zoghby.

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REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 106. RELATIVE TO SINE DIE ADJOURNMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 16. To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns.

McDOWELL LEE,

Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 14. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama, approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975; authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accomodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalites to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state to include projects providing hotel, motor inn, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects, as heretofore provided, and to except contracts incident to such projects from competitive bidding.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975; the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified employees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of Title 41, Chapter 6a, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); the Office of Highway and Traffic Safety; the Alabama Law Enforcement Planning Agency; and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

And said Bill, H.B. 36, together with the Conference report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 2. Requiring contractors on certain public projects to use domestically produced steel under pain of contract revocation for violation.

Also:

S. 4. To amend Section 9-11-235.1 of the Code of Alabama 1975, so as to provide further for taking or hunting raccoons or opossums at night.

Also:

S. 16. To amend Section 11-54-80, as heretofore amended, to include as permissible projects hotels, motor inns.

S. 14. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, as amended by Act No. 80-315 adopted at the 1980 Regular Session of the Legislature of Alabama approved May 6, 1980, and by Act No. 82-440 enacted at the 1982 Regular Session of the Legislature of Alabama, approved May 4, 1982, and codified in Article 5 of Chapter 54 of Title 11, Code of Alabama 1975: authorizing Class 4, 5, 6, 7, 8 municipalities in this state to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof, so as to make said Act as amended applicable to Class 1, 2 or 3 municipalities in the state to include projects providing hotel, motor inn, amending title to encompass amendment made in said Act No. 82-440 and ratifying and confirming said Acts 80-315 and 82-440, permitting municipalities, under certain conditions, to lease or sell municipal properties for such projects as heretofore provided, and to except contracts incident to such projects from competive bidding.

Also:

S. 27. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; creating the Alabama Electronic Voting Committee, its membership, meetings and authority; prescribing certain duties for the Secretary of State; providing definitions and procedures for implementation of the provisions of the Act; prescribing that the provisions of this Act shall be cumulative; specifically prescribing that no provision herein shall be construed to repeal any provision of Title 17, Chapter 9, Code of Alabama 1975, relating to voting equipment, unless in

direct conflict herewith; and limiting the authority of the Alabama Electronic Voting Committee to only the provisions of this Act.

Also:

S. 29. To amend Section 32-5-171, Code of Alabama, 1975, by inserting the words "Section 32-5A-191" in lieu of "Section 32-5-170" where the same appears in said section.

Also:

S. 33. To create the position of assistant director of the department of aeronautics; to provide for his appointment, duties and salary.

Also:

S. J. R. 66. COMMENDING AND HONORING WILLIAM M. "BILL" RUSHTON.

Also:

S. J. R. 68. MOURNING THE DEATH OF MR. JOE ZIFF OF JASPER, ALABAMA.

Also:

S. J. R. 71. COMMENDING MR. WILLIAM M. BROWN UPON HIS INDUCTION INTO THE ALABAMA LIVESTOCK HALL OF FAME.

Also:

S. J. R. 72. UNITED STATES CONGRESS URGED TO REPEAL THE PROVISIONS RELATED TO WITHHOLDING ON SAVINGS IN THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 105. URGING THE CITIZENS OF THIS STATE AND NATION TO REFRAIN FROM THE PURCHASE OF ALL PRODUCTS, GOODS AND EQUIPMENT MANUFACTURED BY ATARI, INCORPORATED.

Also:

H. J. R. 107. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM AS OUR STATE 4A CHAMPIONS.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 106. Relative to adjourning Sine Die on February 24, 1983.

And Finds Same Correctly Enrolled.

JOHN CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, singed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT ON THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 36. To create and establish the Department of Economic and Community Affairs; to provide that: The Office of State Planning and Federal Programs, as created and provided for by Sections 41-9-205 through 41-9-214, Code of Alabama 1975; the Alabama Department of Energy, as created and provided for by Sections 41-6A-1 through 41-6A-11, Code of Alabama 1975, the Alabama Law Enforcement Planning Agency as created and provided for by Sections 41-8A-1 through 41-8A-13, Code of Alabama 1975; the State Manpower Planning Council and CETA Manpower services, as created and provided for by federal laws and Executive Order No. 16, 1971; the Office of Highway and Traffic Safety as created and provided for by federal laws and Sections 32-4-1 through 32-4-7, Code of Alabama 1975; and the Office of Employment and Training, as created and provided for by federal laws and Executive Order No. 34, 1980, are merged into and shall be transferred to said Department of Economic and Community Affairs; to provide that all functions, duties, responsibilities, authority, assets, liabilities, contractual rights and obligations, property rights, appropriations, employees, property and supplies are vested in and transferred to the new agency; to continue the employment and rights and benefits of certain classified em-

ployees, whose job classifications are not abolished hereby, to provide for the appointment, term, compensation, duties and authority of the director of the Department of Economic and Community Affairs; to specifically continue the provisions of law relating to any councils and boards and advisory boards of Title 41, Chapter 6A, Code of Alabama 1975, relating to the Alabama Energy Management Act of 1980; Title 41, Chapter 9, Article 8A, Code of Alabama 1975, relating to the Office of State Planning and Federal Programs; the State Manpower Planning Council (CETA); the Office of Highway and Traffic Safety; the Alabama Law Enforcement Planning Agency; and the Office of Employment and Training; to provide that each of the merged agencies within the said new agency shall be divided into divisions; to provide for divisions and division chiefs and their appointment; and to provide for the change of the name of the State Manpower Planning Council (CETA) to the Office of Employment and Training and to transfer the functions of such council.

And Finds Same Correctly Enrolled.

JOHN CASEY,

Chairman.

SIGNING OF THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:20 P. M. on February 24, 1983.

H. J. R. 12

H. J. R. 34

H. J. R. 38

H. J. R. 39

H. 5

H. 11

H. 8

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Delivered to the Governor at 3:40 P. M. on February 24, 1983.

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H. J. R. 92

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H. J. R. 100

Delivered to the Governor at 5:10 P.M. On February 24, 1983.

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H. J. R. 106

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H. J. R. 107

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. J. R. 106, heretofore adopted, the House adjourned sine die at 4:45 o'clock p.m.

JOHN W. PEMBERTON
Clerk of the House of Representatives,
of the Legislature of Alabama,
Second Extraordinary Session, 1983.

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REGULAR SESSION

OF 1983

HELD IN THE CITY OF MONTGOMERY, ALABAMA

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HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1983

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 19, 1983

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1983, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the third Tuesday in April, 1983, being the nineteenth day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-three, at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Tom Drake, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Dr. Anderson Todd, Jr., St. Johns AME Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H.R. 1, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. J. R. 2 was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Goodwin, Thomas and Flowers.

Also:

By Rep. Johnson (Roy):

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:00 p.m. on Tuesday, April 19, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed on the part of the House, Reps. Goodwin, Thomas and Flowers.

Also:

By Rep. Johnson (Roy):

H. J. R. 4. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 19, 1983, we adjourn to meet again on Thursday, April 21, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. J. R. 4, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 19, 1983, that we adjourn to meet again on Thursday, April 21, 1983, at 9:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. R. 5, was adopted.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Rep. Holmes:

H. 1. To establish the Alabama Bureau of State Lotteries and provide for the administration and operation of a state lottery; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of revenues; to make an initial appropriation from the general fund of the state treasury to the bureau of state lotteries for implementing the provisions of this Act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to exempt the bureau and commissioner from the public bid laws and the state merit system in order to assure the security and integrity of the lottery operation; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state

lottery; and to prescribe penalties for certain violations and crime.

Ways and Means.

By Rep. Holmes:

H. 2. Proposing an amendment to Section 65 of the Constitution of 1901, relating to lotteries.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Brooks:

H. 3. To amend Section 17-22-10, Code of Alabama 1975, as amended, relating to the required statement of campaign contributions and expenditures, so as to require pre-election disclosures of campaign contributions and expenditures.

State Administration.

By Rep. White (F):

H. 4. To provide for an exemption from ad valorem taxation of certain clubhouse property of the Flomaton, Alabama, Lions Club.

Ways and Means.

By Rep. Horn:

H. 5. Proposing an amendment to the Constitution, 1901, providing for recall of all elected public officials.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Hammett:

H. 6. Relating to ad valorem taxation; regulating the levy, assessment, collection, distribution and use of such taxes; providing that upon the ratification of an amendment to the Constitution of Alabama of 1901, rescinding the power of the state to levy ad valorem taxes, no ad valorem taxes shall be levied or collected by the state after October 1, 1983; providing for the levy and collection of such taxes by the several counties; providing that this Act is cumulative and shall insofar as practicable be construed in pari materia with other laws relating to ad valorem taxation; nevertheless, repealing all laws or parts of laws in conflict herewith and specifically repealing Sections 40-8-2 and 40-8-3, Code of Alabama 1975, relating to the rate of ad valorem taxation established for the State and the allocation of same.

Ways and Means.

By Rep. Hammett:

H. 7. Relating to the ownership of oil, gas, and other mineral rights; providing for the recordation of all instruments creating the same, and prescribing certain limitations and restrictions respecting conveyances and ownership of such rights.

State Administration.

By Rep. Hammett:

H. 8. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to criminal littering so as to provide further for such offense.

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By Rep. Hammett:

H. 9. To exempt the Opp Jaycees' Rattlesnake Rodeo from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Hammett:

H. 10. To exempt Andalusia Rotary Club World Championship Domino Tournament from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Hammett:

H. 11. To amend the title and Section 1 of Act No. 82-659, S. 9, 1982 Regular Session relating to a cost-of-living increase for certain persons retired under the Teachers' and Employees' Retirement Systems, so as to further provide for the eligibility.

Ways and Means.

By Rep. Hammett:

H. 12. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 relating to ad valorem taxation; to rescind the power of the state to levy and collect ad valorem taxes for state revenue purposes except as herein provided; to repeal any provision of the Constitution of Alabama of 1901, as amended, in direct conflict with the provisions of this amendment and all other conflicting provisions of law.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Flowers (With Notice and Proof):

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILLS, H.B. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hammett:

H. 14. To amend sections 40-17-13 and 40-17-222, Code of Alabama 1975, relating to the distribution of tax proceeds derived from excise tax on

motor fuel, so as to provide that such proceeds shall be allocated and distributed in the same manner and order as the proceeds derived from the excise tax on gasoline and lubricating oils.

Ways and Means.

By Rep. Sasser:

H. 15. To levy a special four percent tax on the gross proceeds of any commercial cable TV operation within this state; to grant the department of revenue certain powers, functions and duties in connection herewith; the prescribing penalties.

Ways and Means.

By Rep. Sasser:

H. 16. To provide that any commercial cable TV operation must be regulated by the Alabama Public Service Commission; to provide for the granting of licenses for commercial TV operations by the public service commission; to empower the public service commission to promulgate rules and regulations governing the operation of cable TV companies; and to prescribe penalties.

Public Utilities and Transportation.

By Rep. Sasser:

H. 17. To prohibit any incorporated municipality in this state from granting an exclusive franchise to any one cable TV system; to prescribe penalties for violation of this act.

Public Utilities and Transportation.

By Rep. Smith:

H. 18. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

Judiciary.

By Rep. Moore:

H. 19. To exempt any vitamins, minerals, dietary supplements, orthotic devices, human body drainage supplies, including pouches, seals, and appliances, collection and irrigating equipment, post-operative dressings, or other therapeutic products or devices which are used, sold, furnished or dispensed by any physician, as defined in this Act, in the performance of his professional services from any city, county and state sales tax, and to make such exemptions retroactive.

Ways and Means.

By Rep. Moore:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the

limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Health.

By Reps. Hall and Butler:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Ways and Means.

By Reps. Hall and Butler:

H. 22. To amend Section 40-23-4, Code of Alabama 1975, relating to exemption from the provisions of the sales tax law levying a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, so as to include the sale of drugs, medicines, hormones, food and other nutrients, as well as the sale of rabbits, in such exemptions.

Ways and Means.

By Rep. Campbell:

H. 23. To reorganize the operations and functions of the Alabama Industrial Development Advisory Board, the State Industrial Development Authority, the Industrial Development Committee, the Alabama Development Office, the Alabama Film Commission, the Alabama Film Commission Board, and the Bureau of Publicity and Information; to abolish said boards, agencies, committees, and divisions; to create a new Alabama State Development Board and Department of Development; to transfer all respective duties, responsibilities, authority, power, property, assets, liabilities, contractual rights and obligations and property rights, whether accruing or vesting, thereof, to the Alabama State Development Board and to the Department of Development; to specifically transfer only those powers, duties, responsibilities and provisions of: Sections 41-7-1 through 41-7-5 of the Code of Alabama 1975, relating to the Bureau of Publicity and Information; Sections 41-9-185 through 41-9-188 of the Code of Alabama 1975, relating to the Alabama Industrial Development Advisory Board; Sections 41-9-200 through 41-9-204 of the Code of Alabama 1975, relating to the Alabama Development Office; to the board and department, respectively, to the extent the provisions thereof are not in conflict with the purposes and provisions of this act; to provide for the membership, term of office, conduct of affairs, per diem, expense allowances, powers, duties of the board and filling vacancies; to provide for a director for said department, appointed by the board, his responsibilities, powers and duties, and sets the manner of compensation and benefits of employment; to prescribe the authority and duties of the board and the department; to establish divisions of research and planning, economic development, administration, tourism, and industrial training; to provide for an executive committee and the membership therefor; to authorize the board to establish advisory councils; to prescribe the manner of handling confidential materials and information; and to repeal conflicting laws and executive orders.

State Administration.

By Rep. Smith:

H. 24. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Judiciary.

By Rep. Starkey:

H. 25. To provide further for the levying, reporting and collecting of state sales tax; to require each taxpayer under Title 40, Chapter 23, Article 1, Code of Alabama 1975, with a certain tax liability, to pay on a current basis; to prescribe the manner of computation, reporting, extension provisions, interest, and penalties; to provide for the powers and duties of the commissioner of the department of revenue; to provide the provisions of this act shall be construed in pari materia with other laws, or parts of laws relating to sales tax except where there is a direct conflict; and to provide an effective date.

Ways and Means.

By Rep. Moore:

H. 26. To create the Motor Fuel Marketing Act in order to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

State Administration.

By Reps. Hettinger and Butler:

H. 27. To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Judiciary.

By Rep. Williams:

H. 28. This bill provides for the sale of draft beer in all areas of Alabama where beer is legally sold, and repeals all laws in conflict with this act.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 29, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 30. To provide an additional expense allowance for the coroner of Washington County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner:

H. 32. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Ways and Means.

By Rep. Turner:

H. 33. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Military Affairs.

By Rep. Turner:

H. 34. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, relating to certain exemptions from ad valorem taxation, so as to provide certain exemptions for all persons over sixty-five years of age.

Ways and Means.

By Rep. Turner:

H. 35. To amend further section 40-20-2 of the Code of Alabama 1975, relating to the levy of severance taxes upon oil or gas, so as to provide that all oil wells producing less than 40 barrels of oil per day shall be taxed at the lower rate of four percent.

Ways and Means.

By Rep. Turner:

H. 36. To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associa-

tions, so as to provide further for such appointments and terms.

State Administration.

By Rep. Turner:

H. 37. Relating to Mobile County; authorizing the clerk of the 13th Judicial Circuit, in instances when ordered by the court to invest money which has been deposited with the court, to deduct, at the time of disbursement, five percent of the earned income from the invested money; and providing that the deducted amount shall be deposited in the general fund of Mobile County.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and circuit clerk.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 39, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner:

H. 40. To propose a constitutional amendment amending further Article XI, Section 217, Constitution of Alabama of 1901, as last amended by Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Turner:

H. 41. To amend Section 40-8-1 of the Code of Alabama 1975, relating to the assessment rate for ad valorem taxes, so as to redefine certain property under said section and to provide that this act shall become effective upon adoption of a certain constitutional amendment proposed in the 1983 Regular Session of the Legislature.

Ways and Means.

By Rep. Turner:

H. 42. To amend Section 9-2-65 of the Code of Alabama 1975 relating to powers and duties of game and fish wardens, so as to prescribe regulations pertaining to such wardens electing to retain their commissions upon retirement.

Natural Resources.

By Rep. Turner:

H. 43. To amend Title 16, Chapter 1, Subsection 18 of the Code of Alabama, 1975, so as to increase the maximum number of days of sick leave that may be accumulated by school bus drivers and all full-time support personnel to 150 days.

Ways and Means.

By Rep. Turner (With Notice and Proof):

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; of establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer of revenues from the Mobile County general fund to the Mobile County Indigent Care Board; providing for reduction of county revenues and reimbursements; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing body.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 44, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 45. Relating to Mobile County; providing that a certain defined portion of additional oil and gas severance tax revenues, including any net funds being held in escrow, designated for Mobile County, collected and distributed to the counties pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438), shall be allocated for the provision of medical care to the medically indigent citizens of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 45, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 46. Proposing an amendment to Section H. of Amendment CXCV to the Constitution of 1901, relating to the Mobile County public hospital board and appropriations or payments by such county or any municipal corporation therein to such board.

Local Legislation No. 3.

The above bill was read a first time at length as required by the Constitution.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 46, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Butler:

H. 47. To amend Section 41-16-20, Code of Alabama 1975, which relates to certain public contracts for which competitive bidding is required, so as to regulate specifically the awarding of certain state purchasing contracts to residents of the state who are duly licensed as contractors in the state.

State Administration.

By Rep. Butler:

H. 48. To require the state to give certain notice prior to the initiation of any type of a state project which could affect property values; to provide that contracts let without the proper notice being met shall be void and to provide for criminal penalties for violating this act.

Judiciary.

By Rep. Mitchell:

H. 49. To exempt from state income tax a housing allowance for any full-time chaplain or religious services administrator employed by the state; and to provide that this act is supplemental.

Ways and Means.

By Rep. Mitchell:

H. 50. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

State Administration.

By Rep. Mitchell:

H. 51. To amend Section 7-9-503, Code of Alabama 1975, relating to a secured party's right to take possession after default, so as to require any person or business entity intending to repossess a motor vehicle to notify

certain law enforcement agencies prior to performing the act of repossession and to provide criminal sanctions.

Judiciary.

By Rep. Mitchell:

H. 52. To prohibit the movement of mobile homes, modular homes, sectional homes or portable buildings upon or over any public road or highway having one or two standard traffic lanes between the hours of 7:00 a.m. and 8:30 a.m. and 2:30 p.m. and 4:00 p.m. on days when public secondary schools are in operation; to provide that any state permit issued contrary to the provisions of this act shall be void ab initio.

Public Utilities and Transportation.

By Rep. Goodwin (With Notice and Proof):

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harvey:

H. 54. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Ways and Means.

By Rep. Harvey:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Ways and Means.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Martin and Parker:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such

contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Ways and Means.

By Reps. Martin and Parker:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Ways and Means.

By Reps. Ford, Stout and Newman:

H. 58. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Military Affairs.

By Reps. Ford, Stout and Newman:

H. 59. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Military Affairs.

By Rep. Browder:

H. 60. To further provide for criminal procedure; to provide that the victim in any criminal case is entitled to be present throughout the trial proceedings; to prescribe the seating of such victim; to provide that in criminal homicide cases a designated relative or family member is entitled to be present throughout the trial, at the option of the family; and to prescribe the seating of such family member; and to provide that any such victim or his designee shall not be subject to any exclusion ruling.

Judiciary.

By Reps. Harper and Clikas:

H. 61. To establish September 30 as the expiration date for all licenses issued pursuant to Chapter 12 (Marine Resources) of Title 9 of the Code of Alabama (1975), as amended.

Natural Resources.

By Reps. Harper and Clikas:

H. 62. To repeal Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 Code of Alabama 1975 which provides for seven separate licenses required by seafood processors and dealers and to create a separate Dealer/Processor license costing $175.00.

Natural Resources.

By Reps. Harper and Clikas:

H. 63. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

Natural Resources.

By Reps. Harper and Richardson:

H. 64. To amend Section 41-4-34 of the Code of Alabama 1975, relating to office space and rooms for state offices and departments, so as to prescribe a certain limit on the amount of rent the state can pay for leased office space.

Ways and Means.

By Rep. Harper:

H. 65. To direct the State Board of Education to establish and maintain a comprehensive evaluation plan over a specific period of time for the purpose of providing for differentiated salaries based upon superior instructional performance, and to provide an appropriation from the Alabama Special Education Trust Fund for the fiscal year beginning October 1, 1983.

Ways and Means.

By Reps. Harper and Clikas:

H. 66. To establish and provide for a seafoods advisory board of the department of conservation and natural resources; to provide for the composition of such board; and to prescribe its powers and duties.

Natural Resources.

By Reps. Harper and Clikas:

H. 67. To amend § 9-12-121 Code of Alabama 1975 so as to increase the maximum fine for violating a seafood law from $100.00 to $1,000.00.

Natural Resources.

By Reps. Harper and Clikas:

H. 68. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Natural Resources.

By Reps. Harper, Turner, Kvalheim, McMillan, Gaston, Kennedy, Buskey, Box, Clikas, Penry, Zoghby and Johnson (Roy):

H. 69. To amend 1975 Code of Alabama, §40-20-2(a) as amended, so as to provide a reduction of the production privilege tax from eight percent to four percent by granting an exemption for all gas wells producing from Alabama State waters at depths below 18,000 feet; setting the tax at the rate of four percent for such gas production; and providing an effective date

therefor.

Ways and Means.

By Rep. Johnson (Roy):

H. 70. To further Amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-69, 10-2A-79, 10-2A-93, 10-2A-111, 10-2A-114, 10-2A-116, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

Judiciary.

By Rep. Johnson (Roy):

H. 71. To repeal Sections 41-20-1 through 41-20-16 consecutively, Code of Alabama 1975, which sections, as amended, provide for the periodic review and continuation of termination of state agencies, commonly referred to as the "Sunset Law," and to provide that such sections shall have no further force or effect of law.

State Administration.

By Reps. Johnson (Roy), Reed, Goodwin, Laird, Mitchell and Martin:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Health.

By Rep. Johnson (Roy):

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definitions of "medical

clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domiciliary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Health.

By Rep. Johnson (Roy):

H. 74. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this State notwithstanding any provision of the policies or contracts to the contrary.

Health.

By Rep. Campbell:

H. 75. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Judiciary.

By Rep. Campbell:

H. 76. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this Act applies; to repeal Code of Alabama 1975, §13A-3-1, §15-16-1, §15-16-24 and all other laws in conflict with this Act.

Judiciary.

By Rep. Campbell:

H. 77. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to

provide an effective date.

Judiciary.

By Rep. Campbell:

H. 78. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

Judiciary.

By Rep. Campbell:

H. 79. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Judiciary.

By Rep. Campbell:

H. 80. To provide for payment of examination fees by credit unions.

Banking.

By Rep. Campbell:

H. 81. To amend Section 40-12-49, Code of Alabama, 1975, by deleting therefrom, the exemption from annual license taxes for those lawyers who have been in practice less than 2 years from their admission to the bar.

Judiciary.

By Rep. Waggoner:

H. 82. To amend Section 13A-14-2, Code of Alabama 1975, so as to permit municipal governing bodies to meet with their attorneys in executive sessions.

Local Government.

By Rep. Waggoner:

H. 83. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Local Government.

By Rep. Waggoner (With Notice and Proof):

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equilization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to

make the provisions of this Act retroactive to June 1, 1982.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 84, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Waggoner (With Notice and Proof):

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 85, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Waggoner:

H. 86. To provide for regulation of boarding or rooming houses, specifically requiring boarding or rooming houses to comply with standards, hereby prescribed, relative to buildings and facilities used as boarding or rooming houses and for the equipment, maintenance, lighting, ventilating, heating and general safety and sanitary conditions of such boarding or rooming houses, providing for the approval and certification of all such boarding or rooming houses and for the suspension and revocation thereof and prescribing the certification fee; to place certain duties relative to compliance with the standards hereby prescribed on operators of boarding or rooming houses and certain duties relative to the implementation and enforcement of this Act on certain public agencies and on the state department of public health; and to prescribe penalties for violations of this Act.

Public Welfare.

By Rep. Waggoner:

H. 87. Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver objects; providing for exemptions; and providing penalties for the violations.

Commerce and Industrial Development.

By Rep. Waggoner:

H. 88. To exempt Birmingham Football Foundation, Inc., Birmingham, Alabama, from the payment of state, county or municipal sales or use taxes.

Ways and Means.

By Rep. Waggoner:

H. 89. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of

the city.

Local Government.

By Rep. Waggoner:

H. 90. To prescribe that any product or package which has coded date labeling shall also display the calendar date thereon; to prescribe misdemeanor penalties for violations of the provisions of this act; and to provide each instance of violation shall constitute a separate offense.

Health.

By Rep. Waggoner:

H. 91. To amend Sections 32-5-240, Code of Alabama 1975, relating to required lighting equipment and illuminating devices on motor vehicles, so as to add inclement weather conditions, or at any time when it is raining in the driving zone, or other conditions where a certain distance of visibility is not possible.

Highway Safety.

By Reps. Freeman, Hall, Butler, Albright, Brooks and Hettinger:

H. 92. To exempt the Childrens Home, Inc., Huntsville, Alabama; and any of its branches or agencies, from the payment of state, county or municipal sales or use taxes.

Ways and Means.

By Reps. Stout, Crow, Turner, White (L), Holley and Carothers:

H. 93. To further amend Section 40-12-223 of the Code of Alabama 1975, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of tax levied.

Ways and Means.

By Reps. Stout, Crow, Rogers, Coleman, Hammett, Warren, Bennett, Waggoner, Mitchell, Turner, White (L), Grimsley, Ford, Junkins and Richardson:

H. 94. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Military Affairs.

By Rep. Lauderdale (With Notice and Proof):

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 95, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Laird and Turnham (With Notice and Proof):

H. 96. Relating to Chambers County; authorizing the establishment of branch banks within the corporate limits of the municipalities of Valley and Lanett in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 96, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Smith and Lauderdale:

H. 97. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

Ways and Means.

By Reps. Martin, Dutton, Parker and Drake (With Notice and Proof):

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 98, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Thomas:

H. 99. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

State Administration.

By Rep. Campbell:

H. 100. To provide a continuing appropriation from state funds to the several counties to cover the costs of housing of state prisoners in county jails.

Ways and Means.

By Rep. Campbell:

H. 101. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the

refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Banking.

By Reps. Mitchell, Johnson (Roy), Poole, Melton and Owens (With Notice and Proof):

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Mitchell, Stout, Brakefield, McMillan, Hettinger, Ford, Drinkard, Richardson, Turner, Grouby, Owens, White (L), Venable, Faulk, Boles, Johnson (Roy), Poole, Holley, Bowling, Junkins, Langford, Melton, Newman, Carothers, Rice, Holmes, Hall and White (F):

H. 103. To further provide for payroll deductions for state employees.

State Administration.

By Reps. Williams, Browder, Campbell and Mathis:

H. 104. To prescribe the authority and powers of Attorney General's Investigators and the allowances and benefits to which they are entitled.

Judiciary.

By Reps. Williams, Browder, Campbell and Mathis:

H. 105. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Judiciary.

By Reps. Albright, Ashley, Goodwin, Trammell and Crow:

H. 106. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Business and Labor.

By Rep. McKee:

H. 107. To provide that the state department of mental health shall have authority to purchase hospital and health insurance supplemental to

medicaid and medicare coverage, for mental patients in state mental institutions and for those under the care of the state who become ill and require hospitalization or other medical services.

Ways and Means.

By Rep. McKee:

H. 108. To grant an income tax deduction for the in-home care of certain physically or mentally handicapped persons.

Ways and Means.

By Reps. Zoghby, Clikas, Harper, Turner, Gaston, Kvalheim, Box and Kennedy:

H. 109. To authorize the establishment of "enterprise zones," pursuant to federal tax and other incentives in order to promote job creation and economic development; to fix the duties and authority of the Alabama Development Office and the local governing bodies; to fix the requirements for participation; to provide for state and local tax and other incentives; to provide with respect to financing, and otherwise to provide with respect thereto, for financial assistance to municipalities and individuals and businesses under any act of the Congress of the United States heretofore or hereafter enacted.

State Administration.

By Rep. Biddle:

H. 110. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

State Administration.

By Rep. Minus (With Notice and Proof):

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 111, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (F) (With Notice and Proof):

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H.B. 112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (F):

H. 113. To provide that constables shall be entitled to a distinctive auto license plate; and to provide for the distribution of said tag.

Local Government.

By Rep. Turnham:

H. 114. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

Ways and Means.

By Rep. Turnham:

H. 115. To provide that full-time employees and executive officers of the Alabama Retired Teachers' Association may elect to become members of the Teachers' Retirement System of Alabama; and to provide that said Association and its employees shall assume all costs of said membership.

Ways and Means.

By Rep. Smith:

H. 116. To amend Sections 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

Judiciary.

By Reps. Smith, Holley, Turnham, Carothers and Harvey:

H. 117. To allow the Commissioner of Agriculture and Industries to appoint no more than four executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for three assistants and salary range No. 79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

Ways and Means.

By Reps. Zoghby and Kennedy:

H. 118. To exempt the Allen Memorial Home, Inc., from the payment of all state, county and municipal sales and use taxes, licenses, fees and excises, under certain prescribed conditions.

Ways and Means.

By Rep. Poole (With Notice and Proof):

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 119, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Poole (With Notice and Proof):

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 120, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holley:

H. 121. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Education.

By Rep. Zoghby:

H. 122. To amend Section 40-18-27, Code of Alabama 1975, which requires all taxpayers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual taxpayers age

65 years and older; and to provide a termination date.

Ways and Means.

By Rep. Zoghby:

H. 123. To provide for an appropriate memorial to be placed in the state capitol honoring the designers and maker of the Alabama State Flag; to provide that the Capitol Preservation Committee shall be responsible for the design and the placement of such memorial; and to appropriate funds therefor from the General Fund of the State Treasury.

Ways and Means.

By Rep. Zoghby:

H. 124. To further amend Section 40-18-19, Code of Alabama 1975, as last amended, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; to make the provisions retroactive to the calendar year; and to provide for a termination date.

Ways and Means.

By Rep. Zoghby:

H. 125. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Ways and Means.

By Rep. Albright:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Business and Labor.

By Rep. Ashley (With Notice and Proof):

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Holmes, Holley, Owens, Casey, Johnson (Roy), Campbell, Flowers, Kennedy, Poole, Langford, Layton, Sasser, Moore, Reed, Bryant and Cosby:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and

duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Ways and Means.

By Rep. Hammett:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Ways and Means.

By Rep. Hammett:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial

enterprises providing hotel or motor inn services.

Ways and Means.

By Reps. McMillan and Penry (With Notice and Proof):

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 131, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. McMillan and Penry (With Notice and Proof):

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 132, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Kennedy, Turner, Zoghby, Box, Buskey, Clikas, Harper, Gaston and Kvalheim:

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Ways and Means.

By Reps. Holley, Stout, Smith, Flowers and Johnson (Roy):

H. 134. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

State Administration.

By Reps. McMillan and Penry (With Notice and Proof):

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations

proper for the administration of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Buskey, Horn and Kennedy:

H. 136. To establish the sickle cell disorders and other hemoglobinopathy treatment program and the administration thereof; to create and provide for the advisory board of sickle cell disorders and other hemoglobinopathy; to appropriate an additional sum from the general fund of the state treasury for the current fiscal year for the purposes of the Act; to prescribe certain duties and authority for the division of rehabilitation and crippled children service for the purpose of this Act.

Ways and Means.

By Reps. Brooks, Coleman, Butler, Harvey, White (L), Starr, Kvalheim, Scott, Murphy, Gaston, Seibels, Clikas and Lewis:

H. 137. To amend sections 13A-5-40 and 13A-5-49, Code of Alabama 1975, relating to capital offenses and aggravating circumstances, so as to provide further for such offenses and circumstances; to provide for classification of certain criminal offenses relating to labor unrest or violence.

Judiciary.

By Reps. Brooks, Zoghby, Freeman, Butler and Kennedy:

H. 138. To repeal Section 15-11-13, Code of Alabama 1975, which requires that married women and minors procure sureties upon appearing as witnesses for the prosecution.

Judiciary.

By Rep. Brooks:

H. 139. To amend Section 13A-5-11 of the Code of Alabama 1975, relating to fines for felonies, so as to provide further for such fines.

Judiciary.

By Rep. Brooks:

H. 140. To amend Section 13A-5-12 of the Code of Alabama 1975, relating to fines for misdemeanors and violations, so as to provide further for such fines.

Judiciary.

By Reps. Sasser, Turnham, Venable, Richardson, Minus, Mathis, Grimsley, Carothers, Manley, Grouby, Owens, Smith, Carter, Butler, Adams and White (F):

H. 141. To amend Section 32-5A-191 Code of Alabama 1975, which provides for the offense of driving while under the influence of alcohol or controlled substances, so as to increase the penalties upon conviction of the offense; to provide for impounding and holding of certain motor vehicles;

and to provide for revoked or restricted driving privileges.

Judiciary.

By Reps. Carothers, Johnson (RG), Martin, Scott, Starkey and Biddle:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

Health.

By Reps. Carothers, Smith, Dutton, Sasser and Grimsley:

H. 143. To require all persons born on or after October 1, 1969, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to require said certification to be on said persons while hunting; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1969, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to require said certification to be on said persons while hunting; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

Natural Resources.

By Reps. Carothers and Grimsley:

H. 144. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Natural Resources.

By Rep. Carothers:

H. 145. To amend Section 7-9-204 of the Code of Alabama 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Agriculture and Forestry.

By Reps. Carothers and Johnson (RG):

H. 146. This bill provides that a physician shall have a lien upon any

cause of action accruing to any injured person to whom such physician furnishes care and treatment; to provide the means of perfecting said liens; to provide for the time in which such lien must be filed and suit brought thereon; to provide no release or settlement of any such cause of action shall be effective as or against such lien unless such physician or his assign shall join therein or execute a release therefore; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand or judgment in any settlement or in the absence of release or satisfaction of the lien shall prima facie constitute impairment of such lien, and to give the lienholder right of action at law for damages on account of such impairment; to provide for recovery from one accepting a release or satisfaction or making settlement; to accept monies due under the Workmen's Compensation Laws from the provisions herein and to repeal conflicting laws.

Health.

By Reps. Carothers and Martin:

H. 147. To amend Section 40-18-19, Code of Alabama, 1975 to exempt from income taxation retirement allowances, pensions and annuities or optional allowances approved and paid by an employee retirement system of any municipality of this state which said system is independent of and does not participate in the employee's retirement system of Alabama; to add a new subsection (a) (3) and renumbering the remaining subsections.

Ways and Means.

By Reps. Carothers and Martin:

H. 148. To amend Section 39-1-1, Code of Alabama, 1975 to exempt contractors performing contracts of less than $10,000.00 in amount from advertising requirements and to authorize final settlements, without delay, of such contracts upon completion and full compliance with the terms of the said contract.

Local Government.

By Reps. Carothers and Johnson (RG):

H. 149. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for

the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Business and Labor.

By Reps. Manley and Langford:

H. 150. Proposing an amendment to the Constitution of 1901 to authorize any county, municipality or taxing authority which has voluntarily reduced its ad valorem tax rate to increase its ad valorem tax rate by an amount up to but not exceeding the amount of the decrease.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Manley and Casey:

H. 151. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Judiciary.

By Rep. Buskey:

H. 152. To amend Sections 26-10-4 and 26-10-5, Code of Alabama 1975, relating to adoptions, so as to provide that an adult adoptee shall be permitted to view adoption records only after receiving a court order permitting such viewing.

Judiciary.

By Rep. Buskey:

H. 153. To provide that certain trucks shall have access to all primary roads within the state.

Highway Safety.

By Rep. Venable:

H. 154. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

State Administration.

By Rep. Venable:

H. 155. To apply in all counties, wherein the use of voting machines has been, or shall be, authorized; to provide that the county commission in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county commission, prescribe the duties of such election officers, and fix their compensation.

Constitution and Elections.

By Rep. Venable:

H. 156. To amend Section 36-9-17 of the Code of Alabama 1975, so as to further provide for the filling of vacancies in state or county offices.

Constitution and Elections.

By Rep. Venable:

H. 157. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Constitution and Elections.

By Rep. Holley:

H. 158. To amend Section 40-23-5, Code of Alabama 1975, relating to the exemptions for certain non-profit organizations from the payment of any state, county or municipal sales or use taxes, so as to provide for further exemptions.

Ways and Means.

By Reps. Venable, Horn, Browder, Johnson (A.L.) and Goodwin:

H. 159. To propose a new constitution for the State of Alabama to replace the constitution of 1901, as amended.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Cosby, Brakefield, Grouby, Owens, Lewis, Boles, Bennett, Howard, Melton and Thomas:

H. 160. To protect, preserve, maintain, and enhance the scenic, recreational, and other qualities of the Cahaba River by regulating surface mining along the river; by reinforcing existing solid waste laws, water pollution laws, and water quality standards in and near the river; by regulating certain alterations and impoundments of the river; by establishing a scenic corridor along the river within which the building or establishment of transportation facilities and other man-made structures and the harvesting of timber may be performed as approved by the Commissioner of Conservation and Natural Resources, and to prescribe remedies and penalties for vio-

lation of the Act.

Natural Resources.

By Reps. Drinkard, Ford and Junkins:

H. 161. To amend Section 20-2-93 of the Code of Alabama 1975, relating to forfeitures and seizures in drug trafficking cases, so as to provide further for distribution of the proceeds of lawful currency, funds, negotiable instruments, securities and other things of value, seized through enforcement of drug trafficking violations.

Judiciary.

By Rep. White (L):

H. 162. To authorize the Department of Pensions and Security to establish, implement and administer the state Community Work Experience Program under the federal guidelines set forth in the 1981 Omnibus Reconciliation Act and the Agriculture and Food Act of 1981, which permits the states to require recipients of Aid to Families with Dependent Children and food stamps to participate in a workfare program in exchange for their benefits.

State Administration.

By Reps. Drinkard and Ford:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement system may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance, and to provide that the plan established herein or the administrator of such plan shall be entitled to any discounts, reimbursements, or charge adjustments offered to any other health care service plan by any health care service facility doing business in Alabama.

Ways and Means.

By Rep. White (L):

H. 164. To amend section 13A-9-13.1, Code of Alabama 1975, dealing with the crime of negotiating worthless negotiable instruments, so as to increase the punishment for such crime where the negotiable instrument involved is in the amount of more than $100.00.

Judiciary.

By Rep. Bennett:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for

credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Banking.

By Rep. Starkey:

H. 166. To amend the teacher's retirement law, Section 16-25-14 of the Code of Alabama 1975, to eliminate the prerequisite 30 to 90 days filing period; to provide that upon death of a member eligible for service retirement, and of a member not eligible for service retirement after completion of 25 years of service, that either his surviving spouse or if no surviving spouse, then his minor children will receive payment under Option 2 of subsection 16-25-14(h); and to provide that this act shall be retroactive to October 1, 1979.

Ways and Means.

By Rep. White (L):

H. 167. To amend Section 13A-7-6 of the Code of Alabama 1975 relating to the crime of burglary in the second degree where the entry of a dwelling-house is involved, so as to remove the requirement that such house be lawfully occupied.

Judiciary.

By Rep. White (L):

H. 168. To amend Section 40-23-4.1, Code of Alabama 1975, relating to the exemption of drugs from gross sales tax, so as to include within the exemption drugs which are sold to private hospitals.

Ways and Means.

By Rep. White (L):

H. 169. To amend Section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

Highway Safety.

By Rep. White (L):

H. 170. To allow a professional truck driver 20 points under the point value system promulgated by the Director of Public Safety before suspension of his driver's license.

Judiciary.

By Rep. Horn:

H. 171. To require each county, municipality or other local governmental entity to create a citizen's review board for law enforcement officers and to provide for the operation of said boards and certain disciplinary procedures to be applied.

State Administration.

By Rep. White (L):

H. 172. To amend Section 16-9-2, Code of Alabama 1975, relating to qualifications of any county superintendent of education, so as to remove certain prior experience requirements.

Education.

By Rep. White (L):

H. 173. To amend Section 16-9-2 of the Code of Alabama 1975, relating to the qualifications of a county superintendent of education, so as to require that such person must submit proof of certain educational experience during the ten years, instead of the five years, next preceding his appointment or election.

Education.

By Rep. White (L):

H. 174. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975, so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Local Government.

By Rep. Bennett:

H. 175. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Judiciary.

By Rep. Bennett:

H. 176. To exempt the Committee for the Humanities in Alabama from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Drinkard:

H. 177. To provide longevity pay to certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Ways and Means.

By Reps. Harper and Penry:

H. 178. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers thereof.

Ways and Means.

By Reps. Martin and Biddle:

H. 179. To amend Section 40-9-13, Code of Alabama 1975, which exempts certain named organizations from taxation, so as to add the Presbyterian Apartments of Birmingham, Inc., and the Presbyterian Homes of Decatur, Inc., to the list of exempt organizations.

Ways and Means.

By Rep. Martin:

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire.

Local Government.

By Reps. Carter and Butler (With Notice and Proof):

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 181, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 182. Relating to Mobile County to provide that the Chairman of the Mobile County Board of Equalization be a full time employee of Mobile County and to prescribe the Chairman's remuneration of office.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 182, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 363), by the Mobile County Board of Health for general health purposes.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 183, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 184, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Turner, Kennedy, Box, Zoghby, Clark, Gaston, Kvalheim and Clikas (With Notice and Proof):

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 185, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 186. Relating to Mobile County; abolishing the office of constable.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 186, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H.B. 187, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner:

H. 188. To amend Section 40-10-71, Code of Alabama 1975, so as to provide for the recovery of certain costs, charges and expenses of clearing the title thereto when lands are assessed and sold for taxes, which lands are not, in fact, liable for such taxes.

Ways and Means.

By Rep. Turner:

H. 189. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, as last amended, so as to add certain exemptions and provide a six percent statewide oil and gas production privilege tax and to provide for royalty owners tax exemptions; to amend the allocation and distribution formula; to provide for taxation in the smackover formation; and to provide an effective date.

Ways and Means.

By Reps. Turner, Harper, McMillan, Gaston, Clikas, Zoghby, Kennedy, Box, Newman, Kvalheim, Warren, White (F), Penry, Blakeney and Buskey:

H. 190. To amend 1975 Code of Alabama, § 40-20-2(a) and § 40-20-2(b) as amended, so as to provide seven percent statewide production privilege tax, to provide a reduction of said tax to six percent effective October 1, 1983, to provide tax incentives for certain types of high cost or high risk production, and to provide an effective date.

Ways and Means.

By Reps. Flowers, Starr, Wilson, Langford and Carothers:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

State Administration.

By Reps. Casey, Drake, Cosby, Manley, Minus and Warren:

H. 192. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and length of sessions of the legislature, so as to provide for biennial sessions and to provide that the provisions shall be effective upon the ratification of a Constitutional Amendment.

Constitution and Elections.

By Reps. Casey, Drake, Cosby, Manley, Minus and Warren:

H. 193. To propose an amendment to the Constitution of Alabama providing for and regulating the length of regular biennial and special sessions of the legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Casey and Coburn:

H. 194. To repeal Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended, which relate to the "Alabama Sunset Law of 1976."

State Administration.

By Reps. Casey and Martin:

H. 195. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

State Administration.

By Reps. Casey, Manley and Campbell:

H. 196. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Judiciary.

By Reps. Casey and Langford:

H. 197. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off damages.

Judiciary.

By Reps. Casey and Holley:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

State Administration.

By Rep. Richardson:

H. 199. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset

any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Health.

By Reps. Hall, Richardson, Layton, Faulk, Payne, Lewis, Horn, Bryant, White (L), Butler, Hammett, Freeman, Brooks, Biddle, Brakefield, Drinkard, Stout, Ford, Lauderdale, Dutton, Boles, Crow, Rains, Manley, Johnson (A.L.), Preuitt, Starr, Rice, Mathis, Harvey, Laird, Minus, Browder, Campbell, Albright, Newman, Cosby, Mitchell, Coleman, Martin, Holley, Howard, Nevett, Escott, Melton, Rogers, Carter, Holmes, Bowling, Trammell, Wright, Goodwin, Ashley, Starkey, Parker, Johnson (RG), Langford, Thomas, Drake, Murphy, Scott, Blake, Sasser, Zoghby, Seibels, Davis, Johnson (Roy), Hettinger, Poole, Williams, Smith, Turner, Junkins, Carothers, Grimsley, Box, Kvalheim, Gaston, Clikas, Harper, McMillan, Moore, Flowers, Blakeney and Wilson:

H. 200. To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

Ways and Means.

By Rep. Lewis:

H. 201. To amend Section 25-4-91 of the Code of Alabama 1975, relating to procedures for determinations and redeterminations upon claims for unemployment compensation benefits, so as to provide further for such procedures.

State Administration.

By Rep. Lewis:

H. 202. To amend Section 13A-7-29 of the Code of Alabama 1975, relating to criminal littering, so as to provide further for such offense.

Judiciary.

By Reps. Lewis, Starkey, Carothers, Howard, Cosby, Adams, Martin and Campbell:

H. 203. To authorize Class 5 cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class 5 cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

Local Government.

By Rep. Martin:

H. 204. To amend Section 11-88-6, Code of Alabama 1975, which provides for boards of directors of county and municipal water, sewer and fire protection authorities, so as to provide further for the maximum amounts paid to such board members and chairmen for their meetings.

Ways and Means.

By Reps. Adams and Johnson, (AL):

H. 205. To amend Section 36-13-13, Code of Alabama 1975, relating to the Governor's councillor, so as to further provide that a person who shall have been elected to the office of Governor of Alabama for one term and in addition elected to the office of Attorney General of Alabama for one term and who shall have attained the age 60 may be entitled to become a governor's councillor.

Ways and Means.

By Rep. Minus (With Notice and Proof):

H. 206. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 206, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Smith:

H. 207. To propose an amendment to the constitution providing that regular sessions in all even-numbered years shall be limited to subjects pertaining to local legislation and matters of the budgets and to set the duration of said sessions.

State Administration.

The above bill was read a first time at length as required by the constitution.

By Reps. Gaston, Clikas, Harper and Kvalheim:

H. 208. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Highway Safety.

By Reps. Gaston, Kvalheim and Harper:

H. 209. To amend Section 22-18-4 of the Code of Alabama 1975, relating to ambulances, so as to provide for certain requirements pertaining to semiannual safety and medical equipment inspections for ambulances operating on the public streets, roads and highways of this state.

Highway Safety.

By Reps. Gaston, Brooks, Kvalheim, Harper and Clikas:

H. 210. To amend Section 15-19-1 of the Code of Alabama 1975, to provide that a person charged with the crimes of murder, manslaughter, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, burglary in the first and second degree, assault in the first and second degree and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Judiciary.

By Reps. Wilson, Starr, Flowers, White (L), Blakeney, Johnson (AL), Smith, McKee, Langford, Holmes and Grouby:

H. 211. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Ways and Means.

By Reps. Gaston, Harper, Clikas and Kvalheim:

H. 212. Providing for the certification of factory-built housing; providing for the regulation, administration and enforcement of the provisions of this act by the state fire marshal's office; establishing certain civil remedies and actions in connection with factory-built housing; providing penalties for violations of this act or any rule or regulation promulgated hereunder; and specifically repealing Chapter 4A, Title 24, Code of Alabama 1975.

Public Welfare.

By Reps. Richardson and Smith:

H. 213. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of $25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Agriculture and Forestry.

By Reps. Carter and Butler:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such

offense from a misdemeanor to a felony.

Judiciary.

By Rep. Owens:

H. 215. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition and amending Section 36-26-27, Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

Ways and Means.

By Reps. Gaston, Harper and Kvalheim:

H. 216. To reopen the Teachers' and Employees' Retirement Systems of Alabama for certain service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and provided further that such member has completed at least 10 years of creditable service, and to provide that this Act shall take effect October 1, 1983.

Ways and Means.

By Reps. Gaston, Harper, Kvalheim and Clikas:

H. 217. To amend Section 25-4-78, Code of Alabama 1975, relating to unemployment compensation, so as to provide that anyone who fails to tell the truth about a previous conviction of a crime on a written employment application, upon discharge, shall not be entitled to unemployment compensation benefits for the period of time he was employed by an employer to whom such erroneous application was submitted.

Judiciary.

By Rep. Richardson (With Notice and Proof):

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 218, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep Martin:

H. 219. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

State Administration.

By Rep. Richardson (With Notice and Proof):

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 220, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson (With Notice and Proof):

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 221, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson (With Notice and Proof):

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 222, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Richardson (With Notice and Proof):

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H.B. 223, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

The above bill was read a first time at length as required by the Constitution.

By Rep. Owens:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Insurance.

By Rep. Poole (With Notice and Proof):

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 225, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Blake (With Notice and Proof):

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS AT-

TACHED TO THE BILL, H.B. 226, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Adams and Johnson (AL):

H. 227. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Local Government.

By Rep. Starkey:

H. 228. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19, Code of Alabama 1975, as amended, so as to correct typographical errors and to clarify the penalties section of the Act; to provide that the 90-day storage exemption applies only to on-site storage by the generators of the waste, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to ensure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state pursuant to a hazardous waste management program approved by the United States Environmental Protection Agency; to ensure that the Alabama Department of Environmental Management and the Program charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application; to allow substitution of proper shipping papers for the required manifest for certain transporters; to enlarge the record keeping requirements and the record retention period; to clarify "trade secret" protection; and to repeal certain laws.

Health.

By Reps. Harper, Johnson (RG), Hall, Flowers and Coleman:

H. 229. Providing for the transfer of responsibilities relating to public printing and binding from the state finance department to the state department of corrections with such transfer to be phased over the next three fiscal years; providing for termination of state printing contracts at the conclusion of such transfer and providing for supplemental effect.

State Administration.

By Rep. Martin:

H. 230. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Judiciary.

By Rep. Martin:

H. 231. To provide for the issuance of special permits for the move-

ment of certain type oversized loads over or on the highways of Alabama.

Highway Safety.

By Rep. Martin:

H. 232. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Ways and Means.

By Rep. Turnham:

H. 233. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Judiciary.

By Reps. Payne, Trammell, Wright, Lewis, Biddle, Layton, Boles and Murphy (With Notice and Proof):

H. 234. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 234, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Minus:

H. 235. To regulate the employment, service, disciplining and dismissal of deputies sheriff in the several counties; to place certain additional duties on the state personnel department; and to provide for the reimbursement by the counties to the state personnel department of the costs of providing such services and facilities.

State Administration.

By Rep. Coburn:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Ways and Means.

By Rep. Coburn:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Ways and Means.

By Reps. Reed and Coburn:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Ways and Means.

By Rep. Coburn:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Ways and Means.

By Reps. Bryant and Coburn:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

Ways and Means.

By Rep. Coburn:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Rep. Coburn:

H. 242. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ended September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

Ways and Means.

By Rep. Coburn:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Ways and Means.

By Rep. Coburn:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

Ways and Means.

By Rep. Coburn:

H. 245. To make annual appropriations for the support, maintenance

and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Ways and Means.

By Reps. Casey, Poole, Albright and Manley:

H. 246. To provide that a Restitution Order in a criminal case is a Final Judgement and has the same force and effect as a Final Judgement in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have the same rights and remedies given to a plaintiff in a civil action pursuant to Title 6, Chapter 6 of the Code of Alabama, 1975, as well as any other right pertaining to such restitution order or the enforcement or collection thereof, as may be provided by law.

Judiciary.

By Rep. Casey:

H. 247. Negating a land patent erroneously given to the University of Alabama by the State of Alabama conveying a portion of Mobile Bay and transferring title to the State of Alabama.

Ways and Means.

By Reps. Casey, Poole, Albright and Manley:

H. 248. To provide that 5 percent of the "mark up" on cost added to the purchase price on merchandise sold in Alcoholic Beverage Control Board stores be designated to the credit of the General Fund of the State.

Ways and Means.

By Reps. Casey, Poole, Albright, and Manley:

H. 249. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, and provides that the board of pardons and paroles shall have no power to grant a pardon or restore civil and political rights until all court-ordered restitution has been made.

Judiciary.

By Reps. Campbell and Drake:

H. 250. To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Ways and Means.

By Rep. Campbell:

H. 251. To amend section 36-15-3 to provide that the Attorney General's salary shall be set by the Legislature and cannot be raised during a term of office.

Ways and Means.

By Rep. Campbell:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $5.00.

Ways and Means.

By Rep. Campbell:

H. 253. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Judiciary.

By Rep. Campbell:

H. 254. To provide that prior to the release from custody of defendants who were found to have been insane when they committed criminal acts and were therefore not responsible for their activities and who were consequently committed to the custody of the commissioner of the Alabama State Department of Mental Health or other public facility, the committing court shall be notified and the court may require public hearings, and to provide a procedure therefore.

Judiciary.

By Rep. Campbell:

H. 255. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Judiciary.

By Rep. Campbell:

H. 256. To amend the definitions contained in Section 13A-10-30, Code of Alabama 1975, relating to the offenses on escape and related crimes so as to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program, or a failure to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to specifically repeal Sections 14-8-42 and 14-8-67, Code of Alabama 1975, and all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Judiciary.

By Rep. Manley:

H. 257. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less so as to increase said maximum term.

Judiciary.

By Rep. Junkins (With Notice and Proof):

H. 258. To alter or rearrange the boundary lines of the town of Cedar

Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Local Legislature No. I.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 258, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Junkins, Holley, Flowers, Albright, Poole, Manley, Ford, Johnson (Roy), Minus, Stout, Adams, White (L), Browder, Langford and Box:

H. 259. To provide for notice to the district or circuit court at the time a plea is entered of intent to offer evidence of an alibi defense; to provide that the district attorney shall provide names and addresses of rebuttal alibi witness and to provide for a continuing duty of disclosure and the effect of noncompliance.

Judiciary.

By Rep. Holley:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Ways and Means.

By Rep. Holley:

H. 261. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund and to provide for the judicial training and education fund which is created hereby; to provide for the deposit of monies for the fund with the state treasurer; to provide for annual appropriations from the fund and for expenditures therefrom; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Judiciary.

By Rep. White (L):

H. 262. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

State Administration.

By Rep. Williams:

H. 263. To amend Section 15-19-7, Code of Alabama 1975, which relates to youthful offender proceedings, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be

present and heard in all stages of the youthful offender proceedings.

Judiciary.

By Reps. Lewis, Sasser, Payne, White (L), Smith and Brooks:

H. 264. To amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, which relate to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

Judiciary.

By Rep. Manley:

H. 265. To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Judiciary.

By Reps. Lewis, Sasser, Payne, White (L), Smith and Brooks:

H. 266. Relating to court proceedings arising from acts of driving or possessing a motor vehicle while under the influence of alcohol or controlled substances or both (DUI), so as to allow the defendant's prior driving record to be placed in evidence on motion by either party.

Judiciary.

By Reps. Lewis, Sasser, Payne, White (L) and Smith:

H. 267. To provide for the confiscation, forfeiture and disposition of motor vehicles owned by certain persons:- (1) who are convicted three or more times for a violation of Section 32-5A-191, Code of Alabama 1975, (driving under the influence of alcohol or controlled substances, "D.U.I. offense"); or (2) who refuse to take a breath screening test for blood-alcohol content; or (3) who are convicted of driving while their licenses are revoked for a D.U.I. offense; and to provide for the confiscation, forfeiture, and disposition of motor vehicles of persons who own vehicles which are impounded in certain repeat D.U.I. and related offenses, but in which cases the owners are not the drivers of the impounded vehicles.

Judiciary.

By Rep. Manley:

H. 268. To provide that the Alabama Supreme Court shall adopt, promulgate and publish a rule or rules of court regarding the State of Alabama's right to appeal in all criminal cases involving violations of this state's criminal laws; to further provide for jurisdiction in such appeals.

Judiciary.

By Rep. Manley:

H. 269. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Judiciary.

By Rep. Manley:

H. 270. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Judiciary.

By Reps. Lewis, Sasser, Payne, White (L), Smith and Brooks:

H. 271. Relating to offenses and actions arising from driving or possessing motor vehicles while under the influence of alcohol, controlled substances or both (D.U.I.), so as to require municipalities to observe and enforce all D.U.I. offenses as prescribed by state law; to provide arresting officers certain powers (mainly breath testing) pursuant to actual or suspected D.U.I. offenses; to provide that any person arrested or charged in any civil or criminal case for a D.U.I. offense be tried as an adult; to provide D.U.I. offenders shall serve minimum sentences without possibility of parole or probation; and to allow injured persons certain rights to attend probation hearings and to inspect probation reports of D.U.I. defendants.

Judiciary.

By Reps. Hettinger, Hall, Freeman, Butler, Albright and Brooks:

H. 272. To exempt the American Association of University Women from all state, county, municipal and local sales, use, privilege, excise, ad valorem and personal property taxes.

Ways and Means.

By Reps. Rogers, Horn and Davis:

H. 273. To provide that certain constables shall be eligible, upon certain conditions, to be a member of the judicial retirement fund created by Section 12-18-1, Code of Alabama 1975; and to repeal conflicting laws.

Ways and Means.

By Reps. Browder, Smith, Rice, Lauderdale, Mitchell, Flowers, McKee, Williams, Mathis and Laird:

H. 274. To allow the State of Alabama to have a jury trial in any fel-

ony case where the right has been waived by the defendant.

Judiciary.

By Rep. Cosby:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Judiciary.

By Reps. Browder, Junkins, Smith, Rice, Lauderdale, Mitchell, Flowers, McKee, Williams, Mathis, Manley and Laird:

H. 276. To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Judiciary.

By Reps. Mathis, Manley and Browder:

H. 277. Relating to criminal procedure; providing for preventive detention of persons convicted and sentenced for certain crimes through denial of bail while such persons are awaiting determinations on their appeals.

Judiciary.

By Rep. Langford:

H. 278. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over $2,000.00 is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of $2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Judiciary.

By Reps. Mathis, Manley and Browder:

H. 279. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Judiciary.

By Rep. Freeman:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Ways and Means.

By Rep. Freeman:

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the

words "pay periods" to "pay days," and to provide an effective date.

Ways and Means.

By Reps. Bennett and Horn:

H. 282. To propose an amendment to the Constitution of Alabama providing for an apportionment commission and directing that commission decennially to determine the size of the Alabama legislature, within the limits herein prescribed; to apportion the membership thereof throughout the State; and to divide the State into districts for the purpose of electing members of the senate and the house of representatives of the Alabama legislature.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Smith, Sasser, Lewis, Richardson, Newman, Brooks, Hettinger and Brakefield:

H. 283. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

Judiciary.

By Reps. Smith, Rice, Browder, Sasser, Lewis, Richardson, Newman, Brooks, Mathis, Biddle, Poole, Rogers, Hettinger, Junkins, Brakefield and Parker:

H. 284. To amend Sections 13A-12-190 through 13A-12-197, Code of Alabama 1975, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Judiciary.

By Reps. Smith, Rice, Browder, Sasser, Lewis, Richardson, Newman, Brooks, Mathis, Biddle, Poole, Rogers, Hettinger, Junkins, Brakefield and Parker:

H. 285. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

Judiciary.

By Reps. Poole, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Ways and Means.

By Reps. Poole, Holley, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 287. To amend §40-21-85, Code of Alabama 1975 so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Ways and Means.

By Reps. Poole, Holley, Albright, Junkins, Layton, Bennett, Hall, Parker, Freeman, Mitchell, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

State Administration.

By Rep. Kennedy:

H. 289. To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Highway Safety.

By Rep. Buskey:

H. 290. To prohibit the Retirement Systems of Alabama from investing their monies or funds in certain businesses entities which do business in or with South Africa of Namibia.

Ways and Means.

By Reps. Horn, Zoghby, Rogers, Hall, Davis and Melton:

H. 291. Relating to elections, to establish, operate and maintain a statewide voter file maintenance system as a service to boards of registrars, such system to provide to the boards of registrars a list of the names of persons who are deceased, convicted of disqualifying crimes, who failed to vote for four consecutive years, or are otherwise no longer qualified to vote as provided by law; to provide that any elector who fails to vote at least once within a period of four consecutive years shall be removed from the list of active voters; to repeal voter reidentification laws upon completion of reidentification process; to establish a statewide voter registration day; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to accept voter registration applications; to provide that provisions of this act are supplemental to Chapter 4, Title 17, Code of Alabama, 1975; to provide for severability; and to provide effective dates.

Constitution and Elections.

By Rep. Wilson:

H. 292. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Judiciary.

By Rep. Waggoner (With Notice and Proof):

H. 293. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of his Act retroactive to June 1, 1982.

Ways and Means.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 293, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,

Clerk.

By Reps. Coleman, Dutton, Newman, Lauderdale, Wright, Lewis, Layton, Blake, Crow, White (L), Blakeney, Browder, Faulk, Junkins and Poole:

H. 294. To make certain illegal possessions of food stamps criminal offenses and to prescribe the punishment for the commission of such crimes.

Judiciary.

By Reps. Coleman, Dutton, Lauderdale, Newman, Wright, Lewis, Layton, Blake, Crow, White (L), Blakeney, Browder, Faulk, Junkins and Poole:

H. 295. To amend Sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: Define further the term "delinquent act;" to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Judiciary.

By Rep. Holley:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Education.

By Reps. Flowers, Grouby, Browder, Smith, Rice and Preuitt:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated

such prosecution.

To further provide that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense.

To further provide that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill.

To further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Judiciary.

By Reps. Flowers, Grouby, Browder, Smith, Rice, and Preuitt:

H. 298. To amend Section 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Judiciary.

By Reps. Flowers, Grouby, Browder, Smith, Rice and Preuitt:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Laird:

H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONGTIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

WHEREAS,The Alabama Legislature is pleasingly cognizant of the numerous contributions of Mr. Dan Washburn to the athletic program of Lanett High School, Lanett, Alabama, as the school's Head Coach and Athletic Director for a period of some 15 years; and

WHEREAS, Coach Washburn, a 1958 graduate of Lafayette High School where he lettered three years in football, basketball and baseball, also is a 1962 graduate of the University of Chattanooga, lettering in football for three years; he additionally holds a Master's Degree in Administration from Troy State University in Phenix City, acquired in 1978; and

WHEREAS, following a five-year tenure as an assistant coach under Doug Lockridge at Valley High, Mr. Washburn accepted positions in 1967 of Head Coach and Athletic Director at Lanett High School where he remained until 1975 at which time he accepted similar posts at Autauga County High School in Prattville; and

WHEREAS, after one year in Prattville, Coach Washburn returned to Lanett High where he continued to coach through 1982; and

WHEREAS, during Coach Washburn's fifteen-year career at Lanett High School, his teams participated in the state play-offs on four occasions while compiling an outstanding 109-45-4 win-loss record; and

WHEREAS, professionally, Coach Washburn served in 1978 as president of the Alabama High School Coaches Association and he currently serves on the Fourth District Board of Directors of the Alabama Athletic Association; and

WHEREAS, Coach Dan Washburn is indeed to be commended on his outstanding career, for his many accomplishments as a coach and for his numerous contributions to the Lanett High School Athletic program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise Coach Dan Washburn of Lanett, Alabama; we further express our appreciation of his notable achievements and sincerely wish him every success in his forthcoming position as Superintendent of the Lanett City School System.

BE IT FURTHER RESOLVED, That Mr. Washburn receive a copy of this resolution that he and his wife, Mrs. Shirlene Fuller Washburn, and their children, Jeff, Dana and Russell, may be aware of our sincere warm praise and regard.

On motion of Rep. Laird, the rules were suspended and the resolution H.J.R. 6 was adopted.

Also:

By Reps. Coburn, Drake and Casey:

H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

WHEREAS, the State of Alabama is facing a grave economic crisis of perhaps unprecedented proportions, with collections falling far below the projected increase in revenue for the current fiscal year; and

WHEREAS, as a result of Alabama's devastating unemployment rate, one of the three highest in the nation, state funds have been even further depleted by the additional and unanticipated increase in demands upon state assistance programs for the needy and unemployed; and

WHEREAS, though recently revenue collections have increased slightly, there is no indication that our weighty financial problems will improve significantly in the near future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strenuously urge all department heads, state officials and employees to exercise extreme caution in the expenditure of state funds; that all unnecessary purchases, travel and other outlays be avoided so that, together, we might weather the fiscal storms.

On motion of Rep. Coburn the rules were suspended and the resolution

H. J. R. 7 was adopted.

Also:

By Rep. Bowling:

H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

WHEREAS, vocational education has, in the past, played an important role in the public school system of Alabama; and

WHEREAS, with unemployment being one of the most critical socio-economic problems facing our country today; and

WHEREAS, many observers foresee that vocational education will become even more valuable in obtaining skills to meet the employment needs of the next two decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study vocational education. Said committee shall be composed of four members of the House of Representatives and four members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine the vocational education curricula of the schools;

2. Review fiscal policies and procedures of the vocational education programs in schools;

3. Review operations and maintenance funds, practices and powers affecting vocational education programs;

4. Review Alabama's present unemployment situation and review how vocational education programs are dealing with retraining the unemployed.

5. Review the qualifications and certification of teachers, directors and supervisors of vocational education programs; and

6. Review what other states have done in the promotion of vocational education.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the State Board of Education or any other public board, commission, committee or agency. The chairman shall have the power to employ such consultants as he deems appropriate to assist the committees in performing its functions and duties.

The committee shall meet upon the call of the chairman and may hold hearings and inspect records anywhere in the state.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1984 Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legisla-

tive compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed $30,000.00.

On motion of Rep. Bowling the rules were suspended and the resolution H. J. R. 8, was adopted.

Also:

By Rep. Albright:

H. J. R. 9. CREATING THE CONTINUING LEGISLATIVE FISCAL RESPONSIBILITY INVESTIGATIVE COMMITTEE ON APPROPRIATIONS AND ADMINISTRATION OF SUCH FUNDS.

WHEREAS, much has been written in the newspapers and discussed in public conversations about the alleged shredding or destruction of public documents and records and it would be beneficial to all concerned to "clear the air" regarding this subject; and

WHEREAS, the Alabama Legislature is the only branch of government constitutionally empowered to make appropriations of state monies; and

WHEREAS, the Alabama Legislature has plenary powers and its fiscal responsibilities are awesome in these times of financial crisis, requiring monetary and fiscal ingenuity and close accountability of the taxpayers' money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby establish a continuing joint legislative investigative committee, on appropriations and the administration of state funds and the shredding or destruction of public records. Said committee shall be composed of two members from each House of the Legislature, each of whom shall be members of the Alabama State Bar, appointed by the respective presiding officers, and the Clerk of the House and the Secretary of the Senate. The chairman and vice chairman shall be elected at the first meeting by the members of the committee.

RESOLVED FURTHER, That the said committee shall be authorized to conduct in-depth, extensive and broad examinations, investigations, and study of the proper, legitimate and responsible expenditure of any funds appropriated by the legislature and the administration thereof, including but not limited to investments, bond issues, awards and contracts and the shredding or destruction of public records.

BE IT FURTHER RESOLVED, That the said committee shall have the powers to subpoena and examine witnesses under oath and issue subpoenas and subpoenas duces tecum, and to punish for contempt, pertaining to any facet of the said appropriations and the proper administration thereof. Such committee shall be authorized to secure any and all records, books, accounts, or documents which directly or indirectly are affected by the expenditure of money appropriated by the legislature.

BE IT FURTHER RESOLVED, That the committee shall be empowered to present any evidence it finds to the appropriate grand jury, or this

evidence may be presented through the office of the state attorney general, or the district attorney in the county with jurisdiction, or the said committee may present any pertinent evidence without either the office of the state attorney general or the appropriate district attorney.

RESOLVED FURTHER, That the said committee shall have the power to request any circuit judge to impanel a special grand jury to receive pertinent evidence and return true bills where appropriate.

BE IT FURTHER RESOLVED, That the said committee shall have the power to employ such investigators as may be necessary to implement the provisions of this act. Chief investigator shall be employed under the provisions of the state merit system. The salaries and benefits of the investigators and chief investigator shall be set by said committee; provided, however, the salary of the chief investigator shall be no less than the rate set for the rank of captain in public safety.

RESOLVED FURTHER, That upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings from time to time to the legislature and governor, as appropriate. The Clerk of the House and the Secretary of the Senate shall receive no further compensation for serving on this committee except actual expenses and travel allowances while engaged in the necessary business of the committee within and without the State of Alabama. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

On motion of Rep. Albright, the rules were suspended and the resolution H. J. R. 9 was adopted.

Also:

By Reps. Buskey, Kvalheim, Harper, Gaston, Clikas, Turner, Zoghby, Box, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, and Wright:

H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

WHEREAS, the Alabama Legislature, in warm personal pride, notes the selection of our friend and colleague, Dr. Yvonne Kennedy, as First Lady of Mobile for 1982, an annual award since 1946 of the Mobile City Council of Beta Sigma Phi Sorority; and

WHEREAS, Representative Kennedy's selection by the Mobile Council of this international women's organization was in recognition of her significant contributions to the educational climate of Mobile; and

WHEREAS, with the field of education as a professional goal since early childhood, Dr. Kennedy first earned her associate degree from Bishop State College; she went on to obtain her B.S. Degree from Alabama State University and, later, a Ph.D. Degree in Administration-Higher Education from the University of Alabama; and

WHEREAS, in 1971, Dr. Kennedy, then an English instructor at her Alma Mater, Bishop State, was tapped for the position of coordinator of the institution's Higher Education Achievement Program; from the classroom in 1971, she was then to rise to the Presidency of Bishop State in just 10 short years, following the death in 1981 of Dr. S. D. Bishop; in the interim she had served for a short while as an associate director of cooperative programs for the Southern Association of Colleges and Schools in Atlanta, but returned to Bishop State to serve as Title III coordinator from 1976 to 1981; and

WHEREAS, Dr. Kennedy who also, of course, has served in the Alabama House of Representative since 1979, is the recipient of a number of other awards and honors including Delta Theta Zeta's Woman of the Year, Mobile's Kappa Alpha Psi's Citizen of the Year, Gayfer Career Club Outstanding Career Woman, and in 1973, reigned as Queen of the Mobile Area Mardi Gras Association festivities; and

WHEREAS, with other accolades too numerous to mention, it is hopefully sufficient to note that our friend and colleague is indeed an outstanding lady, a woman of significant achievement and one who undoubtedly has goals yet to be conquered and aspirations to even further excel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Yvonne Kennedy of Mobile, Alabama; we heartily congratulate her as a First Lady of Mobile and direct that a copy of this resolution be presented to her in token of friendship and utmost esteem.

On motion of Rep. Buskey, the rules were suspended and the resolution H. J. R. 10, was adopted.

Also:

By Reps. Buskey and Kennedy:

H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

WHEREAS, the Alabama Legislature is pleased to note the appointment of Mr. Tyree Richburg, by the Prichard City Council, as the municipality's Chief of Police; and

WHEREAS, eminently qualified for this position, Mr. Richburg is a former United States Marshal and a veteran law enforcement officer who served on the Mobile police force for 24 years; and

WHEREAS, he is a graduate of the University of South Alabama with a bachelor of arts degree in criminal justice administration and political science; he currently is pursuing the master's degree, also at USA; and

WHEREAS, it is significant to note that in his new capacity, Chief Richburg is the first black ever to be appointed as a top-ranking police official in the history of Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Prichard Police Chief Tyree Richburg on his outstanding career in law enforcement; we congratulate him on his new position and direct that he receive a copy of this resolution tendered in congratulatory commendation and warmest regard.

On motion of Rep. Buskey, the rules were suspended and the resolution H. J. R. 11, was adopted.

Also:

By Rep. Ford:

H. R. 12. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

WHEREAS, there is a great a need in Alabama for a reawakening and open and active expression of patriotism and individual responsibility; and

WHEREAS, a very outstanding brigade in the Army of the Confederate States of America was composed largely of Alabamians, who had been originally organized as the Third Alabama Volunteer Cavalry; and

WHEREAS, this brigade under the able leadership of General Joseph Wheeler, showed themselves to be brave men and true patriots and soon became known as "Wheeler's Corps" and as such won undying honor for Alabama; and

WHEREAS, General Wheeler, for whom this Corps was named, was a graduate of West Point who served with distinction as a cavalry officer in the United States Army, both before the War of Secession and again during and after the Spanish American War, as well as an officer in the Army of the Confederate States; and

WHEREAS, after General Wheeler's death, in memorial services held for him, he was declared by Northern and Southern survivors of the War of Secession, to have been the ideal cavalryman of all great wars, and it was then said that "his undying fame will live in history as the greatest cavalry leader of all time"; and

WHEREAS, the bravery, spirit and unflinching loyalty of the men of the Third Alabama Volunteer Cavalry were great factors contributing to General Wheeler's rapid rise on the military scale; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, STATE OF ALABAMA, That the Legislature of Alabama hereby memorializes The Honorable George C. Wallace, Governor of Alabama, by executive order, to reactivate the historic Third Alabama Volunteer Cavalry, with headquarters in Gadsden, and to designate it "Wheeler's Corps."

BE IT FURTHER RESOLVED, That Governor Wallace is hereby memorialized also to authorize present day members of this glorious unit of

Alabama citizen-soldiers to wear the uniform and accoutrements of the confederate soldiers when drilling, holding ceremonies or representing the unit at social functions.

BE IT RESOLVED ALSO, That since private citizen members of this reactivated Third Volunteer Cavalry Corps will be wearing a regulation uniform formerly used by soldiers of the Confederacy, steadfastly dedicated to and widely acclaimed for their loyalty to the State of Alabama, the Legislature hereby charges all the officers and enlisted men of the reactivated Third Alabama Volunteer Cavalry to bear true allegiance to our State of Alabama, and like the general for whom the Corps is named also bear true allegiance to the United States of America. While dressed in the grey uniform of the Confederate Army, current members of the Wheeler Corps will be representing a noble heritage passed on by those Alabama men, who more than a century ago, fought for their beliefs and traditions as free men. Certainly the sight of the Third Alabama Cavalry, reactivated fully uniformed, will be a visible symbol of loyalty and will inspire the entire community wherever these "soldiers" appear.

BE IT FURTHER RESOLVED, That the reactivated Wheeler Corps, in full regalia, be called upon to perform honorable duties especially at historic functions and such other duties as may be designated by the Governor from time to time.

The Clerk of the House of Representative is hereby directed to deliver a copy of this resolution to the Governor of the State of Alabama and a copy thereof to the Adjutant General of the State.

On motion of Rep. Ford, the rules were suspended and the resolution H. R. 12 was adopted.

Also:

By Rep. Ford:

H. J. R. 13. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

WHEREAS, there is a great need in Alabama for a reawakening and open and active expression of patriotism and individual responsibility; and

WHEREAS, a very outstanding brigade in the Army of the Confederate States of America was composed largely of Alabamians, who had been originally organized as the Third Alabama Volunteer Cavalry; and

WHEREAS, this brigade under the able leadership of General Joseph Wheeler, showed themselves to be brave men and true patriots and soon became known as "Wheeler's Corps" and as such won undying honor for Alabama; and

WHEREAS, General Wheeler, for whom this Corps was named, was a graduate of West Point who served with distinction as a cavalry officer in the United States Army, both before the War of Secession and again during and after the Spanish American War, as well as an officer in the Army of the Confederate States; and

WHEREAS, after General Wheeler's death, in memorial services held for him, he was declared by Northern and Southern survivors of the War of Secession, to have been the ideal cavalryman of all great wars, and it was then said that "his undying fame will live in history as the greatest cavalry leader of all time"; and

WHEREAS, the bravery, spirit and unflinching loyalty of the men of the Third Alabama Volunteer Cavalry were great factors contributing to General Wheeler's rapid rise on the military scale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby memorializes The Honorable George C. Wallace, Governor of Alabama, by executive order, to reactivate the historic Third Alabama Volunteer Cavalry, with headquarters in Gadsden, and to designate it "Wheeler's Corps."

BE IT FURTHER RESOLVED, That Governor Wallace is hereby memorialized also to authorize present day members of this glorious unit of Alabama citizen-soldiers to wear the uniform and accoutrements of the Confederate soldiers when drilling, holding ceremonies or representing the unit at social functions.

BE IT RESOLVED ALSO, That since private citizen members of this reactivated Third Volunteer Cavalry Corps will be wearing a regulation uniform formerly used by soldiers of the Confederacy, steadfastly dedicated to and widely acclaimed for their loyalty to the State of Alabama, the Legislature hereby charges all the officers and enlisted men of the reactivated Third Alabama Volunteer Cavalry to bear true allegiance to our State of Alabama, and like the general for whom the Corps is named also bear true allegience to the United States of America. While dressed in the grey uniform of the Confederate Army, current members of the Wheeler Corps will be representing a noble heritage passed on by those Alabama men, who more than a century ago, fought for their beliefs and traditions as free men. Certainly the sight of the Third Alabama Cavalry, reactivated fully uniformed, will be a visible symbol of loyalty and will inspire the entire community wherever these "soldiers" appear.

BE IT FURTHER RESOLVED, That the reactivated Wheeler Corps, in full regalia, be called upon to perform honorable duties especially at historic functions and such other duties as may be designated by the Governor from time to time.

The Clerk of the House of Representatives is hereby directed to deliver a copy of this resolution to the Governor of the State of Alabama and a copy thereof to the Adjutant General of the State.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Reps. Blake, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.

WHEREAS, the members of the Alabama electorate all knew of the health conditions of Governor George Wallace when he ran for office; and

WHEREAS, the citizenry of this state overwhelmingly elected Governor Wallace to the highest office in this state; and

WHEREAS, he has bravely contended with the pain he suffers and is doing a fantastic job of overcoming this pain; and

WHEREAS, it behooves all public officials and all members of this legislature to support Governor Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do encourage the citizens of this State, the news media, and all public officials and all members of this legislature to give their wholehearted support to George C. Wallace during the remainder of his administration in working out the many serious problems facing the State of Alabama at this time.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 14, was adopted.

Also:

By Rep. Moore:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

WHEREAS, it is with great pleasure and in shared delight that the Alabama Legislature extends heartiest congratulations to Mr. and Mrs. David Tanner of Chelsea, Alabama, in the birth of quadruplets Anne, Emily, Christopher and Griffin Tanner, on March 16, 1983; and

WHEREAS, as their parent's first children, the four little quads boosted the size of the "Chelsea Tanners" from a family of two to an instant family of six; and

WHEREAS, the quads, of course, are the pride and joy of "Papa David" and "Mama Deborah," of their grandparents, other relatives and family friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in multiples of four, we extend all best wishes for health, happiness and every future success to little Anne, Emily, Christopher and Griffin Tanner; we further most heartily congratulate their parents, Mr. and Mrs. David Tanner of Chelsea, Alabama, and direct that they receive a copy of this resolution in token of our warmest regard.

BE IT FURTHER RESOLVED, That copies of this resolution also be provided for the quads that they may later know of our sincere pride, great joy and delight in their birth.

On motion of Rep. Moore, the rules were suspended and the resolution H. J. R. 15, was adopted.

Also:

By Reps. Wilson, Starr, Langford, Holmes and McKee:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

WHEREAS, the Alabama Legislature grievously notes the untimely death of Mr. Albert Whiting Copeland of Montgomery, Alabama, on February 20, 1983, at the early age of just 55 years; and

WHEREAS, following admittance to the Alabama State Bar in 1952, Mr. Copeland became associated in law partnership with former Judges Richard Rives, John Godbold and Truman Hobbs, and had continued in private legal practice for the past 31 years; and

WHEREAS, Mr. Copeland, who was a former president of the Montgomery Bar and the Alabama Trial Lawyers Associations, was a Fellow with the International Society of Barristers and, at the time of his death, was serving as Bar Commissioner for the 15th Judicial Circuit; and

WHEREAS, widely acclaimed for his judicial acumen, Mr. Copeland was held in highest regard by his fellow attorneys and by jurists, jurors and litigants alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Albert Whiting Copeland of Montgomery, Alabama, one of our state's most prominent attorneys, and extend our very deepest sympathy to his wife, Mrs. Ann Harrell Copeland, daughter Ann Darden, sons Albert Harrell, Paul Whiting and Lee Hall, his mother Mrs. Mary Lou Dobson Copeland, and brothers Theodore D., Jr., and R. Frank Copeland, whose sorrow we deeply share and to whom copies of this resolution shall be sent.

On motion of Rep. Wilson, the rules were suspended and the resolution H. J. R. 16, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Wilson, Starr, Holmes and McKee:

H. R. 17. COMMENDING MR. JAMES WILEY CUTTS, PRINCIPAL, SIDNEY LANIER HIGH SCHOOL, MONTGOMERY.

Also:

The following resolutions were introduced:

By Reps. Brakefield, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell,

Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

WHEREAS, the retirement of Miss Ozema Kelley of Eldridge, Alabama, at the close of the current school year will mark the end of her 42-year career in public school education; and

WHEREAS, Miss Kelley attended Eldridge Junior High School and is a graduate of Carbon Hill High School; she holds the B.S. Degree from Florence State Teachers College and the M.A. Degree from the University of Alabama; and

WHEREAS, her entire teaching career has been at Eldridge Junior High School, where she was a student for nine years for a total of 51 years in the same school; and

WHEREAS, Miss Kelley, a first grade teacher, is professionally affiliated with the Walker County, Alabama and National Education Associations, Classroom Teachers' Association and Alpha Delta Kappa, and she is a lifetime member of the PTA; and

WHEREAS, in 1954, Miss Kelley was recognized as one of Alabama's gracious Ladies by The Birmingham News and she has been a nominee for the Birmingham Post-Herald Favorite Teacher, Teacher Hall of Fame and Woman of Achievement Awards; she also is listed in Personalities of the South and is the published author of a book entitled Innocence; and

WHEREAS, Miss Kelley further is a member of the Eldridge Baptist Church where she has been actively involved as a Sunday School teacher for 45 years, Church Training Leader for the Youth Department for 40 years, and Girls' Auxiliary Worker for 25 years; she is a State Approved Worker involved with Church Training for 25 years and with the Woman's Missionary Union for 20 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Ozema Kelley of Eldridge, Alabama, on her distinguished career as a teacher-educator and for her many contributions to the community and church.

BE IT FURTHER RESOLVED, That Miss Kelley receive a copy of this resolution which we tender in sincere praise and highest regard.

On motion of Rep. Brakenfield, the rules were suspended and the resolution, H. J. R. 18, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Coleman and Adams:

H. R. 19. COMMENDING THE GUNTERSVILLE HIGH SCHOOL WILDCATS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

By Rep. Johnson (A.L.):

H. R. 20. COMMENDING THE RUSSELL HIGH SCHOOL WILD

CATS, 1982-83 STATE 2A BASKETBALL CHAMPIONS.

Also:

By Rep. Butler:

H. R. 21. COMMENDING MR. AND MRS. CARL TUCK OF HARVEST, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Reps. Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

WHEREAS, the Alabama State Employment Service is 50 years old this year, and was born in the Great Depression by congressional enactment of the Wagner-Peyser Act as a cooperative program between the federal and state governments to help people find work, and is performing the same job today; and

WHEREAS, today it has more skills and tools to meet the demands of Alabama's sophisticated workplace, and is Alabama's labor exchange, with seventy local and branch offices, located in communities all across the state that provide significant benefits for business, labor and the economy and in this 50th year, the members of the system are, as always, committed to quality service, and are, on this occasion, renewing their resolve of excellence to both employers and the jobless, doing what it can to reduce unemployment, and poised to rapidly fill job openings during the economic recovery; and

WHEREAS, along with its sister programs in the Industrial Relations Department - Unemployment Insurance and Labor Market Information - the Alabama State Employment Service is one of the few government operated programs actively seeking to reduce unemployment, and acts as a mediator to enroll, screen, test, counsel and refer applicants to jobs listed by employers, who pay a tax to fund the program, and who receive dollar savings and potential increased productivity as a result; and

WHEREAS, in 1933; the Wagner-Peyser Act was enacted creating the United States Employment Service which acted as a vital defense arm as the War Manpower Commission during World War II and now stands ready to act in like capacity whenever called on, and, although guidelines are set at the federal level, Alabama operates a program that far exceeds federal standards and it is the longest established system of the federal-state coop-

eration; and

WHEREAS, the Employment Service impacts the Alabama economy far more than its cost, and in Fiscal Year 1982 (October 1, 1981 - September 30, 1982) the Alabama State Employment Service registered 289,389 applicants, made 188,856 job referrals and filled 69,636 jobs; and

WHEREAS, the members of the Alabama State Employment Service as well as concerned support groups in the labor and veterans communities are joining to distribute information on a job-a-thons, community involvement programs, tax credit programs and more, as the Alabama State Employment Service strives to find jobs for the unemployed, reduce unemployment and further stimulate the economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend and congratulate the Alabama State Employment Service for dedicated accomplishment and worthy goals on this the 50th Anniversary of its beginning.

RESOLVED FURTHER, That copies of this resolution be distributed to the news media to announce the celebration of this 50th Anniversary.

On motion of Rep. Martin, the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

By Reps. Gaston, Kennedy and Kvalheim:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

WHEREAS, the Alabama Legislature notes in pleased concurrence the selection of Mr. Donald H. Smith, Sr., as 1982 Mobilian of the Year, a selection of the Mobile Civitan Club in recognition of Mr. Smith's longtime and responsible involvement in civic and community affairs; and

WHEREAS, Mr. Smith, a prominent area businessman, has further distinguished himself through service in numerous areas including health care, research, historical preservation and the arts; and

WHEREAS, a 1922 graduate of University Military School in Mobile, Mr. Smith is an avid supporter of his alma Mater, and is the recipient of the Crandall Award from Spring Hill College, another Mobile institute of learning which has benefitted greatly from Mr. Smith's support; and

WHEREAS, he is a member of the Board of the Senior Citizens Organization of Mobile, has sewed on the Advisory Board for the Mobile Association for Retarded Citizens since 1956, and is an incorporator of the Allied Arts Council; and

WHEREAS, Mr. Smith further has served as president of the Mobile Opera Guild and, in 1929, helped organize the Mobile City Beautification Project which was the forerunner of today's Azalea Trail Festival; and

WHEREAS, his activities extend to include the chairmanship of the Capital Fund Drive for renovation of Providence Hospital as well as instrumental involvement in the fund-raising efforts to expand MARC's Moore Learning Center and to bring the U.S.S. Alabama to Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in accordance with the Mobile

Civitan Club and a grateful Port City citizenry, we hereby most highly commend Mr. Donald H. Smith, Sr., 1982 Mobilian of the Year, to whom a copy of this resolution shall be sent in acknowledgement of our regard for his outstanding accomplishments.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

By Rep. Gaston:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSEN, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Dr. Hazel Adams Petersen as the recipient of the Distinguished Teacher Educator Award, which honor was bestowed by the Alabama Association of Teacher Educators in recognition of Dr. Petersen's outstanding accomplishments; and

WHEREAS, Dr. Petersen, former Dean of Mobile College, currently serves as the institution's Vice President of Academic Affairs; and

WHEREAS, she also is the recipient of numerous other awards, honors and accolades including the Mary England Award for outstanding contributions to education, the M. O. Beale Scroll of Merit and inclusion in Personalities of the South, as well as the Golden Apple Award from Stanford University and the Alumni Faculty Award from Mobile College, both in 1982; and

WHEREAS, Dr. Petersen has served as past president of the Southeastern Association of Teacher Educators, the Alabama Association of Supervision and Curriculum, the Altrusa Club and of Alpha Delta Kappa; and

WHEREAS, she further was awarded an International Paper Company Foundation scholarship and earned her doctorate from Auburn University; and

WHEREAS, Dr. Petersen's activities and involvements extend further to include the Joint Legislative Council which she serves as president and Spring Hill Baptist Church where she is a Sunday School teacher; she also is active with the Community Concert Series and the Allied Arts Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Hazel Adams Petersen for outstanding achievement; we further congratulate her as a Distinguished Teacher Educator and direct that she receive a copy of this resolution in token of our sincere praise and regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 24, was adopted.

CO-SPONSOR ADDED

Rep. Kvalheim was added as a co-sponsor to the resolution, H. J. R. 24.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Layton and Waggoner:

H. R. 25. COMMENDING DR. AND MRS. JAMES EDWARD DAVIDSON OF ALLGOOD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Layton:

H. R. 26. COMMENDING MR. AND MRS. WILLIAM H. GRIMMER OF BIRMINGHAM, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Layton, Payne and Trammell:

H. R. 27. COMMENDING MISS JAMIE LUAN WATKINS OF HUFFMAN, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Flowers, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

WHEREAS, Mr. Lee Gardner Bassett, a native and lifelong resident of Troy, Pike County, Alabama, is one of our state's most outstanding citizens; a longtime merchant and farmer, he also is a dedicated public servant with distinguished tenures of office on both county and statewide levels; and

WHEREAS, Mr. Bassett attended the public schools of Pike County. In 1950, he was elected to the Alabama House of Representatives and was subsequently five times re-elected for a total of 24 years' representation of Alabama's Thirty-sixth District without a single recorded absence; and

WHEREAS, the Legislature further notes with great pleasure, and in total accord, the recent designation of Conecuh River Road as the "Gardner Bassett Road," a resolution of the Pike County Commission in gratitude for Mr. Bassett's dedicated unselfish service, and for his accomplishments on behalf of his fellow citizens which far exceed those of any other public servant in Pike County history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in coincidence with the Pike County Commissioners' designation of Conecuh River Road as the "Gardner

Bassett Road," we hereby most highly praise and commend Mr. Lee Gardner Bassett for outstanding service to the people of Pike County, Alabama, and to all Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Bassett that he may know of our sincere appreciation of his numerous accomplishments and of our warmest praise and regard.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 28, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 29. COMMENDING MR. AND MRS. WOODROW GRADDY OF TROY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Kvalheim:

H. R. 30. COMMENDING HIS MAJESTY KING FELIX III, MR. THOMAS BESTOR WARD III, REIGNING MONARCH OF MOBILE'S 1983 MARDI GRAS COURT.

Also:

By Rep. Kvalheim:

H. R. 31. COMMENDING HER MAJESTY QUEEN MARY LOUISE DeMOUY, REIGNING MONARCH OF MOBILE'S 1983 MARDI GRAS COURT.

Also:

The following resolution was introduced:

By Rep. Turnham:

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

WHEREAS, for the past two years, Mrs. Ellen H. Walker, president of the Alabama Retired Teachers Association, has provided positive and progressive leadership for said organization; and

WHEREAS, under her leadership, the Association purchased two lots near the Capitol for construction of a home office building and to provide a parking area; and

WHEREAS, during these last two years, a fund-raising campaign also was conducted and sufficient funds were raised by the membership to pay for the lots and for construction of the home office building which is now completed; and

WHEREAS, further, two cost-of-living raises were secured for retired teachers through legislation during this period, with significant progress in other areas as well, namely, increased membership and the organization and operation of the Retired Teachers program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Ellen H. Walker for outstanding leadership as president of the Alabama Retired Teachers Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Alabama Retired Teachers Association with a copy also presented to Mrs. Ellen H. Walker in declaration of our sincere warm praise and regard.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 33. MOURNING THE DEATH OF MR. CHARLES L. "LOU" INGRAM, LEE COUNTY, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President Pro Tempore of the Senate has appointed as members on part of the Senate, Senators deGraffenried, Bishop, and Holmes.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. McMillan and Drake:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

WHEREAS, the Alabama District of Key Club International, a young men's high school service organization, was founded 30 years ago by Mr. John H. White at the Jefferson Davis Hotel in Montgomery; and

WHEREAS, Mr. White, who is widely and affectionately known as "Judge" White, has served continuously as the organization's Director since its founding; and

WHEREAS, in addition to the District Directorship, Judge White has also served as sponsor of the Baldwin County High School Key Club in Bay Minette for 30 years; and

WHEREAS, during these past three decades, there have been some 75,000 members of Key Clubs in the state who attribute their interest in public service to the inspiration they received from Judge White; and

WHEREAS, Judge White, who just recently celebrated his 80th birthday, has served as an example to Key Club members through his own in-

volvement in service to others, and in addition to his work with the Key Club; he has been active with his community's Retired Senior Volunteer Program, United Fund, United Christmas Giving Program, the Red Cross Blood Drive, Heart and Cancer Funds, the Baptist Training Union, and as an election official for more than 20 years; and

WHEREAS, he further has been recognized as Man of the Year in Bay Minette and by the Alabama Sheriff's Boy's Ranch near Decatur where the gymnasium is named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend, for outstanding service to others, Mr. John H. "Judge" White of Bay Minette, Alabama, founder of Key Club in Alabama; we further congratulate both Judge White and the Alabama District of Key Club International on the organization's 30th Anniversary and direct that copies of this resolution be provided for Judge White and Alabama Key Club in declaration of our admiration and regard.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is pleased to note the selection of Mr. Joseph Raymond Crosby of Stockton, Baldwin County, Alabama, as the recipient of the prestigious Good Steward Award of the National Arbor Day Foundation's 1982 National Awards competition; and

WHEREAS, Mr. Crosby, who was the only Alabamian to receive this award in 1982 competition, is a former longtime newspaper executive who returned to Baldwin County following retirement some five years ago; and

WHEREAS, the National Arbor Day Foundation Awards Committee selected Mr. Crosby for the Good Steward Award on the basis of excellence in his forest management and the merit of his projects undertaken or completed during 1982; and

WHEREAS, included among Mr. Crosby's numerous projects during the competition year were: the completion of survey work for construction of a fish pond; the planting of some 10 to 12 food plots for wildlife and along firelines and woods roads; and the establishment of burned pine stands for hazard reduction and wildlife habitat improvement; and

WHEREAS, Mr. Crosby is indeed to be commended for his meritorious, ecological and environmental efforts and for his dedication to the cause of wise land use and management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most sincerely and warmly praise Mr. J. R. Crosby of Stockton, Baldwin County, Alabama; we congratulate him as the National Good Steward Award recipient and direct that he receive a copy of this resolution in small token of our deep appreciation and personal regard.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Reps. Kennedy, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

WHEREAS, it is with heartfelt sadness and regret that the Legislature of Alabama notes the death of Mrs. Dessie R. Clark of Prichard, Alabama, on April 15, 1983, at the early age of just 61 years; and

WHEREAS, though a native of Meridian, Mississippi, Mrs. Clark was a longtime resident of Prichard, and it was there she had made her home with her late and beloved husband, Mr. James Clark, Sr.; and

WHEREAS, Mrs. Clark was a devoted mother to her four daughters and to her two sons, one of whom is our good friend and colleague, Representative William Clark; and

WHEREAS, beloved of family and friends, Mrs. Clark was active for many years in a number of the civic, charitable and other community affairs of Prichard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Dessie R. Clark of Prichard, Alabama, and extend our most heartfelt sympathy to all her family whose sorrow we deeply share.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for our friend, Representative Bill Clark, and for other family members that they may know of our concern for them in their time of such unrelenting grief.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan,

Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 37. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

The following resolutions were introduced:

By Rep. Waggoner:

H. J. R. 38. HONORING MR ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

WHEREAS, Mr. Elmore "Scoop" Hudgins' 1983 retirement brings to a close an extraordinary 19-year association with Southeastern Conference sports; and

WHEREAS, following his 1949 graduation from Vanderbilt University, where he lettered in wrestling and worked in the Sports Information Office, Mr. Hudgins was hired as the University's first full-time Sports Information Director; and

WHEREAS, "Scoop" Hudgins, in 1964, was named by SEC Commissioner Bernie Moore to establish the conference's Sports Information Department; and

WHEREAS, for the past 19 years, Mr. Hudgins has become nationally known for his innovative procedures for gathering and standardizing statistical data, procedures which now are the accepted practice of his counterparts country-wide; and

WHEREAS, during his SEC career, Mr. Hudgins has been the originator of such classics as the Basketball Coaches Top Twenty, an annual listing of the nation's winningest coaches in each sport, and the SEC Skywriters Tour; and

WHEREAS, he is a two-time president of the SEC Sports Information Directors Association, a past president of the national organization, CoSIDA, and a 1979 inductee into the CoSida Hall of Fame; and

WHEREAS, Mr. Hudgins is a native of Chattanooga, Tennessee, and attended high school in that city and in Huntsville, Alabama; he also is a four-year veteran of World War II having served in the United States Army Air Force prior to matriculating at Vanderbilt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Elmore "Scoop" Hudgins on his accomplished SEC career, and on his longtime association with the conference for some 37 years as a student and in the area of sports information.

BE IT FURTHER RESOLVED, That in token of our sincere praise and highest personal regards, a copy of this resolution shall be forwarded to Mr. Hudgins.

On motion of Rep. Waggoner, the rules were suspended and the resolu-

tion, H. J. R. 38, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

WHEREAS, it has been the annual custom, since 1980, of the Alabama Chapter of the National Football Foundation to sponsor an awards banquet honoring Alabama's finest scholar-athletes for their accomplishments; and

WHEREAS, on April 19, 1983, as in preceding years, some 36 high school seniors from all classifications and districts in Alabama will be publicly recognized for their academic achievement, as well as athletic accomplishment, and for their participation in school, civic and church affairs; and

WHEREAS, the organization additionally bestows the Distinguished Alabamian Award for contributions to the State of Alabama by former players and to those who have otherwise provided support to the foundation's worthy cause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Chapter of the National Football Foundation on its annual Scholar-Athlete Awards program and for the organization's recognition of our state's fine young athletes of outstanding achievement in all areas of endeavor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama Chapter of the National Football Foundation that they may be aware of our sincere praise of their outstanding scholar-athlete program.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 39, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the President Pro Tempore of the Senate has appointed as members on part of the Senate, Senators Aldridge, Bedford, and Figures.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Manley, the House stood in informal recess until 6 o'clock p.m.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

NOTICE IN WRITING

Rep. Reed filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to amend the Rules of the House as follows:

Delete Rule 31a in its entirety, which rule relates to parimutuel betting.

JOINT SESSION

The hour of 6:00 o'clock p.m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 3, heretofore adopted, for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, George C. Wallace, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Sasser:

H. J. R. 40. NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGHAM AVIONICS BUILDING."

WHEREAS, Colonel Henry E. Higham is a graduate of the University of Alabama with a Bachelor of Science Degree, where he also was a distinguished graduate of the Reserve Officer Training Program, and was awarded a commission in the Regular Army of the United States; and

WHEREAS, following an initial tour of duty in 1938-1939, Colonel Higham resigned his commission to become a teacher and has since alternately pursued careers as an educator and as a military officer; and

WHEREAS, he is a pioneer in vocational education in Alabama and has taught in the field of Industrial Education in Athens, Montgomery and Enterprise, and as a Diversified Occupation Instructor in Ozark; and

WHEREAS, in 1955, he was instrumental in acquiring for the state the first helicopter ever used as a training aid in a high school; he also was responsible for the acquisition of six aircraft engines for use as training aids, as well as complete machine and sheet metal shops; and

WHEREAS, Colonel Higham was recalled to active duty during World War II, and again during the Korean Conflict when his Alabama National Guard Unit was activated; with the Guard, he has continued to maintain proficiency, rising to the grade of Colonel; and

WHEREAS, it is further significant to note that, primarily, it was Colonel Higham's early effort to train Alabama students in aviation skills that led to the establishment of the Alabama Institute of Aviation Technology, now Alabama Aviation and Technical College in Ozark; and

WHEREAS, in recognition of Colonel Higham's distinguished careers, as an educator and military officer, and most particularly for his instrumental efforts leading to the establishment of the Alabama Aviation and Technical College in Ozark, it is our desire that his accomplishments be befittingly acknowledged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the recently completed Avionics building on the campus of Alabama Aviation and Technical College, the "Henry E. Higham Avionics Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that, further, a copy of this resolution be presented to Colonel Higham as a memento of this honorary designation.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Rep. Bowling:

H. J. R. 41. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall thoroughly study and investigate the programs, policies, regula-

tions and procedures of all welfare, medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1984 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the sate comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed $7,000.00.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 41, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

MCDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. J. R. 42. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS, OTHER HEALTH PROGRAMS AND THE IMPACT OF FEDERAL BLOCK GRANTS ON HEALTH PROGRAMS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The commissioner of the Department of Pensions and Security shall serve as an ex officio member. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program or any other type private or public health or medical programs with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, con-

clusions and recommendations to the legislature not later than the fifth legislative day of the 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee. The committee shall dissolve at the end of this legislative term.

BE IT RESOLVED FURTHER, That this act shall repeal and supersede Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

WHEREAS, the Alabama Legislature notes with utmost pleasure the selection of Miss Valerie Rhea Bendall of Hoover as Alabama's new Maid of Cotton, who will serve as our state's representative in forthcoming national competition to be held in Memphis, Tennessee; and

WHEREAS, the lovely Miss Bendall, a graduate of Birmingham's Berry High School and the daughter of Mr. and Mrs. James Bendall, is a 20-year old junior at Auburn University majoring in Hospital Administration; she is a member of Alpha Omicron Pi sorority, a Sigma Nu Little Sister, a member of the executive cabinet of SGA and also serves as secretary of the Health and Hospital Administration Organization; and

WHEREAS, as talented as she is beautiful, Miss Bendall is an accomplished dancer, pianist and vocalist—a charming and delightful young woman who, on March 26, 1983, representing Jefferson County, captured the Maid of Cotton Crown from a field of 20 of our state's loveliest ladies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Valerie Rhea Bendall on her numerous and outstanding accomplishments; we further congratulate Miss Bendall as Alabama's Maid of Cotton, and direct that both she and her parents receive a copy of this resolution expressing our sincere praise and very best wishes for her every future success.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 43, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Bedsole, Figures, Aldridge, Amari, Bachus, Bailey, Barron,

Bedford, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague:

S. J. R. 3. MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

Also:

By Senators Bedsole, Figure, and Menton:

S. J. R. 4. HONORING THE VOLUNTEERS OF ALABAMA AND OUR NATION.

Also:

By Senators Little, Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague:

S. J. R. 6. MOURNING THE DEATH OF JUDGE BISHOP N. BARRON OF MONTGOMERY, ALABAMA.

Also:

By Senators Smith (B), Smith (J), and Barron:

S. J. R. 7. COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.

SENATE MESSAGE

On motion of Rep. Kvalheim, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 3 and S. J. R. 4, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolutions S. J. R. 6 and S. J. R. 7, the titles of which are set out in the above and foregoing Message from the Senate.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Smith (B), Barron, and Smith (J):

S. J. R. 8. COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

Also:

By Senator Barron:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

By Senator Teague:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

SENATE MESSAGE

The resolutions S. J. R. 8, S. J. R. 9 and S. J. R. 10, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Kirkland, Foshee, Covington, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parson, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague:

S. J. R. 11. MOURNING THE DEATH OF MR. BYRON LEE.

WHEREAS, the Legislature of Alabama, in profound sorrow and regret, extends deepest sympathy to the family of Mr. Byron Lee who died in Edmonton, Alberta, Canada, on November 16, 1982, which also was the 36th anniversary of his birth; and

WHEREAS, Mr. Lee's death was the result of a tragic accident which occurred during his efforts to cap a Canadian natural gas well which had blown out of control a month prior to the accident; and

WHEREAS, as an oil and gas well "blowout" specialist employed by a Texas-based company, Byron Lee was acutely aware of the perils of his profession; he accepted the constant dangers, however, with equanimity and great courage; and

WHEREAS, Mr. Lee had worked in the oil business for some fourteen years and, as an acknowledged expert in his field, had travelled widely throughout five continents in response to similar emergencies and life-threatening situations such as that which claimed his life; and

WHEREAS, a native Alabamian and an alumnus of Troy State University, Mr. Lee was the beloved son of Mrs. Virginia Lee of Clio and of our good friend, Senate Secretary McDowell Lee; he was an exceptional young man who loved life and one who brought great joy and happiness to all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we grievously mourn the death of Mr. Byron Lee, we also give thanks for his life, and extend our most heartfelt sympathy to his family and to all those who are sorely bereft in their great loss.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Lee's young daughter, Miss Janet Lee of Homer, Louisiana, for his parents, and for other family members, that they may know of our

sincere concern for them and of our shared sorrow in their loss.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 12. MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.

Also:

By Senator Kirkland:

S. J. R. 13. MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

Also:

By Senator Corbett:

S. J. R. 16. COMMENDING THE CITY OF HURTSBORO, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Warren, the rules were suspended and the House concurred in and adopted the resolutions S. J. R. 12 and S. J. R. 13, the titles of which are set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 16, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVID-

ING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

Also:

By Senator Teague:

S. J. R. 27. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution S. J. R. 26, the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 27, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dixon and Bedsole:

S. J. R. 28. NAMING THE LOCK AND DAM AT JONES BLUFF THE ROBERT F. HENRY LOCK AND DAM.

Also:

By Senators Little and Mitchell:

S. J. R. 29. COMMENDING MR. MILTON WENDLAND OF AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

Also:

By Senator Little:

S. J. R. 30. MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

Also:

By Senator Little:

S. J. R. 32. COMMENDING MRS. BARBARA CROZIER, MISS WHEELCHAIR AMERICA, 1983.

Also:

By Senator Little:

S. J. R. 34. COMMENDING THE LOACHAPOKA HIGH SCHOOL

INDIANS, STATE 1A BASKETBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starr, the rule were suspended and the House concurred in and adopted the resolution S. J. R. 28, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Grouby, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 29, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 30, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 32, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 34, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 40. NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGHAM AVIONICS BUILDING."

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Reps. Drake and Casey:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25TH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, the Alabama Legislature notes with utmost commendation the 25th Anniversary of the Birmingham Cruising Club which was organized in that city in 1958 and now includes representative membership statewide and in surrounding states; and

WHEREAS, through the years, the Club's aggregate membership has logged thousands of miles traveling the waterways of the Southeast and, in keeping with the organization's motto, "Safety Afloat," has established an enviable record of boating safety—25 years without a single accident, fatality or incident of personal injury; and

WHEREAS, the Birmingham Cruising Club, in promoting safe boating, has initiated a number of programs and projects designed to keep its membership informed on safety procedures, the latest equipment and care of

same, and has further assumed the additional responsibility of disseminating this knowledge to the boating public; and

WHEREAS, other and more specific organization projects include promotion of Coast Guard inspections, Alabama State Fair booths for offering safety procedure information, recommendation of Red Cross Emergency and Life Saving Courses for its membership, and the construction of a working scale model lock and dam which is used for teaching safe locking procedures; and

WHEREAS, it is further to be noted that in this 25th anniversary year, the club's membership still includes three of its original founders, several others who are charter members, and a number of third generation founders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of its worthy purpose and in admiration of its many accomplishments, we hereby most highly commend the Birmingham Cruising Club; we further extend congratulations on the club's 25th Anniversary and direct that a copy of this resolution be forwarded to Mrs. Miriam Hann, Commodore, of the Birmingham Cruising Club.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 44, was adopted.

ADJOURNMENT

On motion of Rep. Venable and pursuant to the resolution, H. R. 5, heretofore adopted, the House adjourned until 9:00 o'clock a.m., Thursday, April 21, 1983.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, April 21, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Dan Ireland, Baptist minister Green Valley Baptist Church, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus,

Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the first legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Buskey, leave of absence was granted for Rep. Clark, due to the death of his Mother.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, April 21, 1983, that we adjourn to meet again on Tuesday, April 26, 1983, and Wednesday, April 27, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 45, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 46. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 21, 1983, that we adjourn to meet again on Tuesday, April 26, 1983, at 3:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H.R. 46, was adopted.

Also:

By Reps. Johnson (Roy) and Casey:

H. J. R. 47. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama

Legislature be held on April 26, 1983, at 1:30 p.m., in the House Chamber, for the purpose of hearing an address by the Honorable Ernest "Fritz" Hollings of South Carolina.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 47, was adopted.

Also:

By Reps. Drake, Casey, Martin, Johnson (Roy), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton; Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 48. COMMENDING COACH RAY PERKINS.

WHEREAS, Coach Ray Perkins has succeeded Paul W. "Bear" Bryant as Head Football Coach and Athletic Director at his Alma Mater, the University of Alabama; and

WHEREAS, Coach Perkins and his Squad are completing their First Spring Training; and

WHEREAS, many members of the Legislature have not had the pleasure of meeting Coach Perkins; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Coach Perkins is hereby invited to address a Joint Session of the Alabama Legislature on Thursday, May 19, 1983, at 11:00 A.M.

BE IT FURTHER RESOLVED, That Coach Perkins have any persons whom he wishes to accompany him.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Coach Perkins by the Clerk of the House.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 48, was adopted.

Also:

By Reps. Moore, Smith and Murphy:

H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Legislature of Alabama takes great pride in noting the outstanding record of University of Montevallo head baseball coach Bob Riesener; and

WHEREAS, he attained his 400th career collegiate win on Saturday, April 16, 1983, when the Falcons beat Huntingdon 5-0 in the second game

of a double-header at Kermit A. Johnson Field on the UM campus; and

WHEREAS, he compiled a 111-34 record in four years at Livingston University (1968-71) and is 289-224 in ten years at the University of Montevallo (1974-present), and his collegiate mark now stands at 400-258; and

WHEREAS, Riesener has played a vital role in forming the University of Montevallo's baseball program into one of the finest in the state and the country; Montevallo has finished in the NAIA Top Twenty in three of the last four seasons and this year UM has been ranked as high as tenth in the NAIA coaches poll; and

WHEREAS, Riesener's UM program is highly regarded by the pro teams in that six Montevallo players have been drafted by pro teams in the last five years; and

WHEREAS, in addition to his coaching duties he is supervisor of the "Falcon Club," Montevallo's athletic booster organization, where under his direction, fund-raising efforts for the UM program have resulted in the Falcons home park becoming a showplace for college baseball in the state; and

WHEREAS, Riesener pitched professionally in the New York Yankees' farm system from 1955 to 1969, when he retired due to an arm injury and in 1957 he posted an amazing 20-0 record in the Evangeline League, making "Ripley's Believe It Or Not" for the achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Coach Bob Riesener on his admirable baseball career and direct that a copy of this resolution be sent to him as evidence of high esteem and warm personal regard.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 49, was adopted.

Also:

By Reps. Carter, Butler, and Holley:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

WHEREAS, North Alabama was stricken with an unusually late season killer frost and subfreezing temperatures; and

WHEREAS, said disasterous weather conditions has greatly harmed the fruit crops of fruit growers in that section of our state; and

WHEREAS, said fruit growers are in dire need of public aid to assist said persons in overcoming this natural disaster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Governor to take all necessary steps to obtain federal aid for the fruit growers of North Alabama.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 50, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Coleman:

H. R. 51. COMMENDING MISS KERIA DAWN WALDROP OF GRANT, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Coleman:

H. R. 52. COMMENDING THE KATE DUNCAN SMITH DAR HIGH SCHOOL BASKETBALL TEAM ON ITS OUTSTANDING SEASON.

Also:

By Reps. Turnham and Lauderdale:

H. R. 53. COMMENDING DR. PREM C. SINGH OF AUBURN UNIVERSITY.

RECESS

The Speaker declared an informal recess for the purpose of recognizing visiting celebrity, George (Goober) Lindsey.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 2. Relative to appointing a committee from the two houses to notify the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session of the two houses for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on rules begs leave to report that it has ex-

amined the following House Joint Resolutions, to-wit:

H. J. R. 4. Relative to meeting Tuesday, April 19, 1983 and again on Thursday, April 21, 1983.

Also:

H. J. R. 40. NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGMAN AVIONICS BUILDING."

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. White, (L):

H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55th WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the 55th Wedding Anniversary on March 24, 1983, of Mr. and Mrs. Harry Pelham Black of Dadeville, Alabama; and

WHEREAS, Mr. Black and his lovely bride, Miss Odelle Gothard Black, were united in marriage on March 24, 1928, and have remained in said holy state for the past 55 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. Black is a prominent area businessman whose holdings and interests are numerous and include a retail grocery as well as a sawmill and lumber business, a truck and tractor dealership and a livestock auction market; he also is a road contractor and a cattle farmer, and is a member of the Tallapoosa County Cattlemen's Association, the Knights of Pythias, and a member and Deacon of the First Baptist Church of Dadeville; and

WHEREAS, Mrs. Black, who also is a member of the Dadeville First Baptist Church, is a bookkeeper for the Dadeville Livestock Market, a member of the Horseshoe Bend Garden Club, and is involved as well in numerous other community affairs; and

WHEREAS, Mr. and Mrs. Black are the parents of a daughter, Mrs. Billie Nell Black Sanford, and two sons, William Ray and Donald Gothard Black; they also have six grandchildren and one fine great grandson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the family and friends in congratulating this exemplary Tallapoosa County couple, Mr. and Mrs. Harry Pelham Black of Dadeville, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Black that they may know of our congratulations and sincere best wishes for every future happiness in life.

On motion of Rep. White, (L), the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

By Reps. Campbell and Browder:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

WHEREAS, Coach Jim Fuller currently serves as Head Football Coach at Jacksonville State University; and

WHEREAS, under his talented leadership several Jacksonville State teams have advanced to the NCAA Division II Play-Offs; and

WHEREAS, a former football great at the University of Alabama, Coach Fuller played on two Crimson Tide National Championship Teams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Coach Jim Fuller's outstanding athletic accomplishments and in appreciation of his significant contributions to the football program at Jacksonville State University, we hereby name and designate April 23, 1983, as "Jim Fuller Day" in Alabama.

BE IT FURTHER RESOLVED, That Coach Fuller be presented with a copy of this resolution in declaration of our sincere regard and as a memento of this honorary designation of the Alabama Legislature.

On motion of Rep. Campbell, the rules were suspended and the resolution, H.J.R. 55, was adopted.

Also:

By Reps. Wright and Layton:

H. J. R. 56. REQUESTING THAT THE SHERIFF'S DEPARTMENT IN JEFFERSON COUNTY USE DRUG DETECTION DOGS ON VISITS TO EACH JUNIOR AND SENIOR HIGH SCHOOL AT LEAST TWICE EACH MONTH.

WHEREAS, the use of drugs is becoming more prevalent among junior and senior high school students; and

WHEREAS, this use of drugs can destroy the lives of these fine young people; and

WHEREAS, the use of drug detecting dogs has been found to a superb deterrent to the use of drugs among junior and senior high school students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That the sheriff's department of Jefferson County is hereby requested and encouraged to use drug detecting dogs on visits to each junior and senior high school in the county at least twice each month.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the sheriff of Jefferson County.

On motion of Rep. Wright, the rules were suspended and the resolution, H. J. R. 56, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 57. COMMENDING HOKES BLUFF HIGH SCHOOL'S KEITH WEAVER FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

By Reps. McMillan, Penry and Kennedy:

H. R. 58. COMMENDING COACH JACK ROBERTSON AND THE 1982-83 FAULKNER STATE JUNIOR COLLEGE RED EAGLES BASKETBALL TEAM.

Also:

The following resolution was introduced:

By Reps. Penry and McMillan:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

WHEREAS, Gerald P. Robinson will retire as principal of Daphne Junior High School in Baldwin County at the end of the present school year; and

WHEREAS, Mr. Robinson began his career in education in Robertsdale in 1945, as the physical education coach, and has remained in education since that time except for a brief time period spent in private business from 1948 through 1951; and

WHEREAS, his dear wife, Rochelle, has also devoted 23 years as a teacher at Daphne Junior High School; and

WHEREAS, the Baldwin County School System will greatly miss the leadership and service of this outstanding man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Gerald P. Robinson for his service and leadership in the Baldwin County School System and wish him well on his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Robinson.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 59, was adopted.

BILLS ON SECOND READING

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 192. To amend Section 29-1-4, Code of Alabama 1975, which provides for the time of meeting and length of sessions of the legislature, so as to provide for biennial sessions and to provide that the provisions shall be effective upon the ratification of a Constitutional Amendment.

H. 193. To propose an amendment to the Constitution of Alabama providing for and regulating the length of regular biennial and special sessions of the legislature.

The above bill was read a second time at length as required by the Constitution.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 250. (With Substitute): To amend Sections 40-21-53 and 40-21-55 to provide that municipal corporations will also pay the 2.2% utility tax and the additional revenue generated shall be deposited in the general fund.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $5.00.

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 248. (With Substitute): To provide that 5 percent of the "mark up" on cost added to the purchase price on merchandise sold in Alcoholic Beverage Control Board stores be designated to the credit of the General Fund of the State.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 242. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ended Septem-

ber 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalites by state agencies.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 287. (With Substitute) (With Amendment): To amend §40-21-85, Code of Alabama 1975 so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 215. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domicili-

ary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

H. 228. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-12, 22-30-13, 22-30-17 and 22-30-19, Code of Alabama 1975, as amended, so as to correct typographical errors and to clarify the penalties section of the Act; to provide that the 90-day storage exemption applies only to on-site storage by the generators of the waste, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration; to ensure that hazardous waste shipped outside of the State of Alabama is transported to and disposed of in only those sites approved by either the United States Environmental Protection Agency or a state pursuant to a hazardous waste management program approved by the United States Environental Protection Agency; to ensure that the Alabama Department of Environmental Management and the Program charged with responsibility for recommending approval or disapproval of hazardous waste site permit applications have sufficient time to make a complete and thorough review of the permit application prior to any approval of such application; to allow substitution of proper shipping papers for the required manifest for certain transporters; to enlarge the record keeping requirements and the record retention period; to clarify "trade secret" protection; and to repeal certain laws.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 194. To repeal Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended, which relate to the "Alabama Sunset Law of 1976."

H. 195. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

H. 103. To further provide for payroll deductions for state employees.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report,

and it was read a second time and placed on the Calendar, to-wit:

H. 213. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon payment of $25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Rep. Ford, Chairman of The Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special approprations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

H. 58. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

H. 33. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 231. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

H. 30. To provide an additional expense allowance for the coroner of Washington County.

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the mem-

bers of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all the aforementioned officials except the district judge and circuit clerk.

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93, and Title 28 of the Code of Alabama 1975.

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

H. 206. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing con-

flicting laws.

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory continguous thereto, in Cedar Bluff, Alabama.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 187. (With Amendments): Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Boad; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer of revenues from the Mobile County general fund to the Mobile County Indigent Care Board; providing for reduction of county revenues and reimbursements; fixing ultimate financial responsibility for the provision of health

care to medically indigent citizens of Mobile County with the county governing body.

H. 45. Relating to Mobile County; providing that a certain defined portion of additional oil and gas severance tax revenues, including any net funds being held in escrow, designated for Mobile County, collected and distributed to the counties pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438), shall be allocated for the provision of medical care to the medically indigent citizens of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalitis, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 183. (With Amendment): Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Nicholson and Brakefield:

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

State Administration.

By Reps. Crow, Carter, Smith, Newman, Poole, Blake, Bennett, Carothers and Mathis:

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

Natural Resources.

By Rep. McKee:

H. 302. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Ways and Means.

By Reps. Carter, Smith, Newman, Poole, Blake, Bennett, Carothers, Mathis and Crow:

H. 303. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for

the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Natural Resources.

By Rep. Newman (With Notice and Proof):

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 304, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Grouby and Warren:

H. 305. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Judiciary.

By Reps. Albright and Brooks:

H. 306. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

Judiciary.

By Reps. Boles, Smith and Trammell:

H. 307. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through

6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Judiciary.

By Rep. Albright:

H. 308. This bill relates to the styling of criminal cases and provides that all warrants, informations, presentments or indictments initiated or preferred pursuant to any criminal law of this state, shall be initiated or preferred in the name of the People of the State of Alabama and any judicial proceeding relating thereto, other than a Grand Jury proceeding, shall be likewise judicially styled or judicially referred to accordingly. This bill further provides that all indictments must contain in the caption or body thereof, the name of the state, county court and time when it is preferred and must conclude "Against the peace and dignity of the People of the State of Alabama," thereby amending Section 15-8-3 of the Code of Alabama, 1975, relating to the required contents of indictments. This bill becomes effective on the 1st day of January, 1984.

Judiciary.

By Reps. Albright, Hall, Poole, Freeman and Hettinger:

H. 309. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions so as to specify the date on which the elements of a civil action for injury to the persons or rights of another shall first be deemed to accrue.

Judiciary.

By Rep. Albright:

H. 310. To amend Section 6-2-38, Code of Alabama, 1975, to delete the applicability of the two year statute of limitations to certain designated actions; to amend Section 6-2-39, Code of Alabama, 1975, to delete the applicability of the one year statute of limitations to certain designated actions; to amend Section 6-2-36, Code of Alabama, 1975, to provide for a four year statute of limitations for certain designated actions; and to amend Section 6-5-410 to delete the two year statutory period for commencement of a wrongful death action.

Judiciary.

By Rep. Martin:

H. 311. To amend Section 36-27-15.2, Code of Alabama 1975, which provides for the granting of creditable service in the retirement systems of Alabama for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Ways and Means.

By Reps. Payne, Trammell, Lewis, Layton, Thornton, Escott, Rogers, Davis, Howard, Boles, Horn, Nevett and Bennett (With Notice and Proof):

H. 312. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the

members of such board.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 312, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 313. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Judiciary.

By Rep. White (L):

H. 314. To amend Section 1-1-4 of the Code of Alabama 1975, relating to the computation of time, so as to change the hours of the day in Alabama from central standard time to eastern standard time.

Highway Safety.

By Reps. Seibels, Turnham, Zoghby, Campbell, Browder, Crow, Carter, Murphy, Manley, Waggoner, Horn, Rogers, Layton, Sasser, Junkins, Brooks, Wilson, Starr, McKee, Freeman, Starkey, Howard, Payne, Hall, Scott, Lewis and Bennett:

H. 315. To amend further Section 15-18-72, Code of Alabama 1975, relating to defendants ordered by the court to make restitution, so as to clarify the provisions of subsection (c) of such section (Act No. 82-556, 1982 Regular Session), which specifies the time within which the court shall cause payments received to be transmitted.

Judiciary.

By Rep. Richardson (With Notice and Proof):

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 316, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Penry, McMillan, Brakefield, Starkey, Turner, Box, Kvalheim, Clikas and Gaston:

H. 317. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Commerce and Industrial Development.

By Reps. McMillan and Lewis:

H. 318. To provide for the appointment of all county superintendents of education.

Education.

By Reps. McMillan, Harper, White (L), White (F), Mitchell and Hall:

H. 319. To permit persons over sixty-five to attend junior college classes tuition-free in certain instances.

Ways and Means.

By Rep. Scott:

H. 320. This bill amends Sections 22-21-20, 22-21-24 and 22-21-27 of Code of Alabama, 1975, by expanding the definition of Hospitals, to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

Health.

By Reps. Brooks, Murphy, Kvalheim, Seibels, Butler, Brakefield, Lewis, Hall and Coleman:

H. 321. To provide that any person convicted of a felony must serve a minimum sentence.

Judiciary.

By Reps. Blakeney, Faulk and White (F):

H. 322. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Highway Safety.

By Reps. Blakeney, Faulk and White (F):

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations' to $25.00; to require annual renewal permit fees of $25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Agriculture and Forestry.

By Reps. Boles, Wright, Layton, Lewis, Payne, Trammell, Biddle, Scott, Murphy, Moore, Rogers, Davis, Escott and Bennett (With Notice and Proof):

H. 324. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 324, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 325. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Judiciary.

By Reps. Langford, Wilson, Starr, Holmes and McKee:

H. 326. To make a certain appropriation from the state general fund to be used during the fiscal year ending September 30, 1983, for the support and maintenance of the additional circuit judgeship created in the fifteenth judicial circuit by Act No. 82-546, S. 39 of the 1982 Regular Session of the Legislature.

Ways and Means.

By Rep. Minus (With Notice and Proof):

H. 327. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 327, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Moore (With Notice and Proof):

H. 328. Relating to Shelby County; to provide further for the term of office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense

allowance for such deputy coroner and to provide for supplemental effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 328, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Wilson, Starr, Langford and Flowers:

H. 329. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Banking.

By Reps. Zoghby, Kvalheim and Turner:

H. 330. To direct the State Board of Education to establish and maintain a statewide staff development program, and to provide an appropriation from the Alabama Special Education Trust Fund for the fiscal year beginning October 1, 1983.

Education.

By Reps. Kvalheim, Harper, Turner, Zoghby and Clikas:

H. 331. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975, so as to provide additional teacher units.

Ways and Means.

By Reps. Zoghby, Kvalheim, Gaston, Turner and Box:

H. 332. To conditionally appropriate TWO HUNDRED SEVENTY-THREE THOUSAND SEVEN HUNDRED FIFTY-FIVE AND NO/100 ($273,755.00) DOLLARS from the Special Education Trust Fund for the purpose of providing increased support for the State Textbook Allocation Fund.

Ways and Means.

By Reps. Zoghby, Buskey, Kvalheim, Gaston, Turner and Box:

H. 333. To conditionally appropriate ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 ($1,500,000.00) Dollars from the Special Education Trust Fund for the purpose of establishing an educational television studio in Mobile County.

Ways and Means.

By Reps. Gaston, Harper, Kvalheim, Buskey, Turner, Box, Zoghby, Kennedy, Clikas and Junkins:

H. 334. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

Education.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 335. Relating to selling and redeeming lands for taxes in Henry

County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 335, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Kvalheim, Harper, Zoghby, Clikas and Junkins:

H. 336. To amend Title 16, Section 24, Sub-section 5, of the Code of Alabama, 1975 so as to provide further for the transfer of teachers.

Education.

By Reps. Kvalheim, Gaston, Zoghby, Box, Kennedy, Clikas and Junkins:

H. 337. To authorize local boards of education to appoint an individual in the personnel department to accept resignations of employees.

Education.

By Reps. Gaston, Harper, Kvalheim, Buskey, Turner, Box, Zoghby, Kennedy, Clikas and Junkins:

H. 338. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership."

Ways and Means.

By Reps. Boles, Smith and Trammell:

H. 339. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the

existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Judiciary.

By Rep. Holley:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund and to provide for the judicial training and education fund which is created hereby; to provide for the deposit of monies for the fund with the state treasurer; to provide for annual appropriations from the fund and for expenditures therefrom; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Ways and Means.

By Reps. Manley and Cosby:

H. 341. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forefeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Judiciary.

By Reps. Boles and Trammell:

H. 342. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide for a conditional appropriation to said office.

Ways and Means.

By Reps. Wilson and Brooks:

H. 343. To establish the separate crime of convenience store robbery and to provide for penalties for violations.

Judiciary.

By Rep. Bennett:

H. 344. To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-7, 16-10-8, 16-10-9 and 16-10-10, Code of Alabama, 1975, and to amend Sections 16-10-5 and 16-10-11, Code of Alabama, 1975, so as to abolish the office of school trustees.

Education.

By Reps. Carothers and Johnson (Roy):

H. 345. To amend Section 1 of Act 82-470 of the Alabama Legislature 1982 so as to restore the five-year requirement for purchasing credit for previously withdrawn service by members of the Teachers' Retirement System, said requirement being omitted in Act 82-470 through typographical error.

Ways and Means.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 346. Relating to Henry County, Alabama, providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 346, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Freeman, Brooks, Hettinger, Coleman, Butler, Waggoner, McKee, White (L), Carter, Bowling, Hall, Cosby, Richardson, Lauderdale, Moore, Goodwin, Ashley, Albright, Starkey, Junkins, Newman, Browder, Seibels and Dutton:

H. 347. To amend Section 13A-6-69, Code of Alabama 1975, which provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

Judiciary.

By Reps. Manley and Cosby:

H. 348. To amend Code of Alabama 1975, §§12-15-1, 12-15-30, 12-15-32, 12-15-33, and 12-15-34, relating to juvenile proceedings, so as to re-define "child" as one under 16 years of age and "adult" as one 16 years old or older; remove the special provisions involving traffic offenses; provide that transfer of a juvenile to adult court terminates juvenile court jurisdiction over that child with respect to pending or subsequent acts; and to make other changes.

Judiciary.

By Reps. Horn and Rogers (With Notice and Proof):

H. 349. To authorize, pursuant to Section 28-3A-25(20), and (21), Code of Alabama 1975, pocket part (Act No. 80-529, Acts of Alabama 1980, pp. 806 et seq.), Sunday sales, service and consumption of alcoholic beverages after 12:01 p.m. at duly licensed establishments and locations within counties having a population of 600,000 or more according to the last or any

succeeding federal decennial census, if approved by a majority of votes cast county-wide in a special election as hereinafter provided for, and, regardless of whether so approved county-wide, within any municipality, or the portion thereof situated in such county, if such sales or service in such municipality be approved by a majority of the electors residing in such county and voting at such special election in such municipality, and providing that such Sunday sales of alcoholic bevarages shall not be permitted within any such municipality, or the portion thereof situated in such county, in which a majority of the electors voting at such special election in such municipality vote against such Sunday sales in such municipality; to call a special election to be held in counties having a population of 600,000 or more according to the last federal decennial census on June 27, 1983, on the question of whether alcoholic beverages may be sold, served or consumed on Sundays after 12:01 p.m. at duly licensed establishments and locations which are situated in such counties, except in municipalities in which a majority voting in such election vote against such sales within such municipality, and on the question of whether such sales, service or consumption shall be permitted at duly licensed establishments and locations which are situated in any one or more of the various municipalities situated in such counties; to authorize the governing body of each such county, by ordinance, to restrict and regulate such Sunday sales within the unincorporated areas of such county if approved county-wide in such election as aforesaid; to authorize the governing body of each municipality in such county to restrict and regulate by ordinance such Sunday sales, service or consumption at duly licensed establishments and locations in any municipality in which a majority of the electors voting in such city vote "for" Sunday sales, service or consumption in such municipality; to authorize such county or municipal ordinances to provide penalties and fines for the violation thereof; to supersede all provisions of laws, regulations or ordinances in conflict herewith; making provisions hereof severable; and providing for the effective date of the act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 349, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Horn, Davis, and Rogers (With Notice and Proof):

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 350, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 351. This Act levies a 10% gross receipts tax on all receipts of dog

track operations in the State of Alabama and requires that the proceeds be used solely for the support of public school kindergartens.

Ways and Means.

By Rep. Turnham:

H. 352. This Act proposes a constitutional amendment which authorizes the Legislature to levy a 10% gross receipts tax on all receipts of dog track operations in the State of Alabama and requires that the proceeds be used solely to support the public school kindergarten program.

Ways and Means.

The above bill was read a first time at-length as required by the Constitution.

By Reps. Turnham, Adams, McKee, Waggoner and Lewis:

H. 353. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles and to prescribe penalties for violations of this Act.

Ways and Means.

By Reps. Turnham and Richardson:

H. 354. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, and to increase the contribution paid in by officials participating in such program.

Ways and Means.

By Reps. Biddle and Sasser:

H. 355. To prohibit the landing of aircraft on public highways or streets.

Highway Safety.

By Rep. Holmes:

H. 356. To amend § 32-5A-115, Code of Alabama 1975, and provides that no vehicle other than an authorized emergency vehicle will use or be equipped with or possess either a red or blue light, which if in use, would be visible to any motor vehicle driver.

Highway Safety.

By Rep. Turner:

H. 357. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Constitution and Elections.

By Rep. Box:

H. 358. To repeal Act 83-154, H. 1, 1983 Second Special Session,

which provided for the reapportionament of the two houses of the Alabama Legislature.

Ways and Means.

By Reps. Albright, Coleman, Hettinger, Brooks, Butler and Hall:

H. 359. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

State Administration.

By Reps. Williams, Carothers, White (L), Grimsley, Sasser, Hammett, Warren, Holmes, Mathis and Richardson:

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Ways and Means.

By Rep. Cosby:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 362. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Coastal Area Board as provided in Sections 9-7-10 through 9-7-22, Code of Alabama 1975, and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27 Code of Alabama 1975,

and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

State Administration.

By Rep. Cosby:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

State Administration.

By Rep. Manley:

H. 368. To amend Section 70 of the Alabama Business Corporation Act (Acts 1980, No. 80-633), now § 10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

Judiciary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 60. COMMENDING PAUL C. ANDERSON.

ELECTIONS

The Speaker announced that elections would be held for members of the Legislative Council, Examiners of Public Accounts and the Building Commission.

The following members were elected:

LEGISLATIVE COUNCIL

Reps. White (L), Williams, Adams, Cosby, Hall and Manley.

EXAMINERS OF PUBLIC ACCOUNTS

Reps. Grouby, Layton, Martin, Turnham and Rogers.

BUILDING COMMISSION

Reps. Coleman, Carter, Waggoner and Sasser.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 61. COMMENDING MR. MIKE DAVIS OF FAYETTE, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolution was introduced:

By Reps. Waggoner, Layton, Biddle, Murphy, Boles, Moore and Wright:

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

WHEREAS, the Alabama Legislature takes great pride in noting the numerous and distinctive accomplishments of Jefferson County School Superintendent Jack Hunt; and

WHEREAS, his many contributions to the field of education include the implementation of various programs to upgrade the management within the schools and the professionals on the staff, including an innovative system to screen and employ applicants for managerial positions; and

WHEREAS, in order to ascertain public opinion concerning the school system in the county, he was instrumental in conducting polls and surveys which brought positive national attention to Jefferson County and the State of Alabama; and

WHEREAS, Mr. Hunt has been afforded a once-in-a-lifetime opportunity to participate in the international Observer Singlehanded Transatlantic Race (O-STAR) in the late Spring and early Summer of 1984; and

WHEREAS, the race of sailboats from England to the United States, then back to Newport, is acclaimed worldwide and his presence as a sailor representing the United States would bring distinction and honor to our county and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge and implore the members of the Jefferson County Board of Education to make every possible effort to allow Superintendent Jack Hunt to take an extended leave of absence or whatever is necessary in order to compete in the O-STAR.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Hunt and to the members of the Jefferson County Board of Education that they may know of our concern in this matter.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 62, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 63. COMMENDING AUBURN UNIVERSITY'S RICKEY BOLLING FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 47. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:22 P.M. on April 21, 1983.

H. J. R. 2

H. J. R. 3

H. J. R. 4

H. J. R. 40

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 46, heretofore adopted, the House adjourned until 3:00 o'clock, p.m. Tuesday, April 26, 1983.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 26, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Oscar L. Morgan, Pastor, Holly Grove Baptist Church, Millport, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the Second legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the second legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted and the Journal for the second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Alabama Sunset Review Committee:

Senators Covington, Menton, and Mitchell.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Council:

Senators Holmes, Parsons, Little, and Bedford.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Building Commission:

Senators Foshee, Mitchem, Denton, and Barron.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has elected the following as members of the Legislative Committee on Examiners of Public Accounts:

Senators Kirkland, Boyington, Hilliard, Bedsole, and Dixon.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 47. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

JOINT SESSION

The Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 47 heretofore adopted, for the purpose of hearing an address by the Honorable Ernest "Fritz" Hollings of South Carolina.

The Joint Session was called to order by the Honorable William J. Baxley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable Ernest "Fritz" Hollings delivered his address to the Members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House Reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced.

By Rep. Johnson (Roy):

H. J. R. 64. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 26, 1983, that we adjourn to meet again on Wednesday, April 27, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 64, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 65. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 26, 1983, we adjourn to meet again on Wednesday, April 27, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 65, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways & Means reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with Amendment and it was read a second time and placed on the Calendar, to-wit:

H. 340. (With Substitute) (With Amendment): To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance

that portion of the fee schedule distributed to the state general fund and to provide for the judicial training and education fund which is created hereby; to provide for the deposit of monies for the fund with the state treasurer; to provide for annual appropriations from the fund and for expenditure therefrom; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment and they were severally read a second time and placed on the Calendar, to-wit:

H. 54. (With Amendment): To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

H. 55. (With Amendment): To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Rep. Coburn, Chairman of the Standing Committee on Ways & Means reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report and they were severally read a second time and placed on the Calendar, to-wit:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, em-

ployees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

H. 115. To provide that full-time employees and executive officers of the Alabama Retired Teachers' Association may elect to become members of the Teachers' Retirement System of Alabama; and to provide that said Association and its employees shall assume all costs of said membership.

Rep. Langford, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

H. 278. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over $2,000.00, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of $2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

H. 105. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 263. To amend Section 15-19-7, Code of Alabama 1975, which relates to youthful offender proceedings, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Rep. Langford, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 24. To amend Code of Alabama 1975, §§13A-12-190 through 13A-

12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

H. 269. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

H. 79. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Rep. Langford Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 298. To amend Section 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Rep. Langford, Chairman of the Standing Committee on Judiciary reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 299. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

H. 75. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

H. 77. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

H. 306. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

H. 308. This bill relates to the styling of criminal cases and provides

that all warrants, informations, presentments or indictments initiated or preferred pursuant to any criminal law of this state, shall be initiated or preferred in the name of the People of the State of Alabama and any judicial proceeding relating thereto, other than a Grand Jury proceeding, shall be likewise judicially styled or judicially referred to accordingly. This bill further provides that all indictments must contain in the caption or body thereof, the name of the state, county court and time when it is preferred and must conclude "Against the peace and dignity of the People of the State of Alabama," thereby amending Section 15-8-3 of the Code of Alabama, 1975, relating to the required contents of indictments. This bill becomes effective on the 1st day of January, 1984.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 253. (With Amendment): To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 36. (With Substitute): To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associations, so as to provide further for such appointments and terms.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 191. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Rep. Albright, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to $25.00; to require annual renewal permit fees of $25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 89. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

H. 113. To provide that constables shall be entitled to a distinctive auto license plate; and to provide for the distribution of said tag.

H. 174. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

H. 180. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire.

H. 234. To amend further Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act. No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Rep. Bryant, Vice-Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 66. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that the following business in the order named be made the special and paramount order of business April 26, 1983, taking precedence over any other business of the House.

Report of Standing Comittee

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

H. 252. p. 3, Driver's operating record, increase, Mr. Campbell

H. 248. p. 4, ABC Board, 5% mark up be designated to State, Mr. Casey

H. 243. p. 6, Estate and inheritance tax, due dates, Mr. Coburn

H. 260. p. 6, Contractors gross receipts tax, Mr. Holley

H. 250. p. 3, Municipal corporations, utility tax, Mr. Campbell

On motion of Rep. Casey, the resolution H. R. 66, was adopted.

Also:

By Rep. Holley:

H. J. R. 67. DEFINING THE INTENT OF THE LEGISLATURE

CONCERNING H. B. 250.

WHEREAS, the Alabama Legislature notes that pending House Bill 250 amends certain Code Sections so as to remove a utility tax exemption and requires that municipal corporations will be required to remit a 2.2% utility tax; and

WHEREAS, the aforementioned piece of legislation will result in raising state revenue to a certain degree; and

WHEREAS, the bill would in effect impose a tax upon a government entity by another entity of government; and

WHEREAS, the Legislature is fully cognizant of the dire financial straits in which the State of Alabama finds itself; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature respectfully goes on record as stating that in lieu of the revenue producing measures imposed by House Bill 250, we heartily endorse the refunding of the Alabama Heritage Trust Fund created by the 1981 Legislature.

On motion of Rep. Holley, the resolution, H. J. R. 67, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

Also:

H. J. R. 45. RELATIVE TO ADJOURNMENT OF THE TWO HOUSES.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Moore:

H. 369. To amend Section 41-4-150, Code of Alabama, 1975.

State Administration.

By Reps. Manley, Campbell and Martin:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law for a national bank or federal savings bank or federal savings and loan association or federal savings and loan service corporation and to acquire and hold any or all of the shares or one or more federal or state savings banks or federal savings and loan associations having no offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are

cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Banking.

By Reps. Bennett, Horn and Browder:

H. 371. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than $1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Constitution and Elections.

By Rep. Minus (With Notice and Proof)

H. 372. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 372, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Drinkard, Ford, Junkins and Payne:

H. 373. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Ways and Means.

By Reps. Boles, Drake, Lauderdale, Turnham, Howard, Newman, Escott, Wright, Lewis, Layton, Trammell, Payne, Goodwin, Butler, Albright, Brooks, Mitchell, Poole, Johnson (Roy), Buskey, Rains, Martin,

Harvey, Junkins, Stout, Parker, Clikas, Brakefield, Grimsley, Clark, Ford, Minus, Blake, Laird, Johnson (RG), White (L), Hall, Warren, White (F), Venable, Preuitt, Reed, Rice, Johnson (A. L.), Hammett, Mathis, Blakeney, Penry, Thomas, Kvalheim and Gaston:

H. 374. To exempt the state department of public safety from the effects of any proration of the state general fund during any fiscal year.

Ways and Means.

By Rep. Holley:

H. 375. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Ways and Means.

By Rep. Holley:

H. 376. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Ways and Means.

By Rep. Venable:

H. 377. To amend Section 41-16-27 and Section 41-16-50, Code of Alabama 1975, relating to competitive bidding by public agencies and entities, so as to provide for residential bidder preference.

Commerce and Industrial Development.

By Rep. Bennett:

H. 378. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically Sections 22-30-12, 22-30-15, 22-30-16, and 22-30-19 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; to ensure that transporters of hazardous waste are responsible for containing and cleaning up spills of such waste and notifying ADEM of such spills; to clarify the duties of hazardous waste site operators; to clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal penalties provisions, and clarifying the state's authority to correct violations; and provides that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by generators of such waste by EPA in order for the state to operate its own program in lieu of the Federal program in Alabama.

Health.

By Rep. Bennett:

H. 379. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Section 22-30-12 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval. This change is required in order for the state to operate its

own program in lieu of the Federal EPA program in Alabama.

Health.

By Rep. Bennett:

H. 380. To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Judiciary.

By Rep. Bennett:

H. 381. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Education.

By Rep. White (L) (With Notice and Proof):

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 382, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L) (With Notice and Proof):

H. 383. To authorize and require the governing body of Tallapoosa County to pay annually the county board of education a lump sum in lieu of providing office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies, required by the county superintendent of education of said county and his assistants; and to authorize and require the county board of education to provide such office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies out of the public school funds of Tallapoosa County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 383, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L) (With Notice and Proof):

H. 384. Relating to Tallapoosa County; providing that the Tallapoosa County Commissioners shall serve full time as such officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 384, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L) (With Notice and Proof):

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 385, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L) (With Notice and Proof):

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 386, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Smith, Newman, Poole, Blake, Bennett, Junkins, Seibels, Howard and Lauderdale:

H. 387. To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the per-

son's case of, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability; to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Judiciary.

By Reps. White (L), Johnson (RG), Carothers and Starr:

H. 388. To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support law, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree.

Judiciary.

By Reps. White (L) and Butler:

H. 389. To provide for the medicaid reimbursement for certain prescription drugs which are approved by the United States Food and Drug Administration and which may be prescribed by a licensed practitioner.

Ways and Means.

By Reps. Browder and Bennett:

H. 390. To provide for a public record of box-by-box and precinct vote totals for all state and county elections.

Constitution and Elections.

By Reps. Biddle, Lewis, Payne and Murphy:

H. 391. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

Health.

By Reps. White (L) and Penry:

H. 392. To require all railroads operating within the state to pull a caboose at the end of each train and to provide for criminal penalties.

Public Utilities and Transportation.

By Reps. Coburn and Casey:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills and resolutions affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Ways and Means.

By Reps. Campbell, Holmes, Starr, Kvalheim, Lewis, Wilson, Horn, Rogers, Davis, Escott, Hall, Nevett, Melton, Zoghby, Turner, Kennedy, Box, Gaston, Harper, Clikas, Hettinger and Drinkard:

H. 394. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical

area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Rep. Campbell:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Ways and Means.

By Rep. Casey:

H. 396. To authorize any two or more post-secondary institutions of higher education supported in whole or in part by state appropriations and operating as a non-profit or public corporation under the laws of the State of Alabama.

State Administration.

By Reps. Casey and Coburn:

H. 397. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Ways and Means.

By Rep. Turnham:

H. 398. To amend Section 2-14-14, Code of Alabama 1975, providing for the designation of the state apiarist and declaring the powers of the office so as to provide further for said office.

Ways and Means.

By Rep. White (L):

H. 399. To amend Section 32-6-110, Code of Alabama 1975, which relates to issuance of distinctive motor vehicle plates or tags to national guard members, so as to issue either the regular tag or a distinctive national guard tag free of charge to retired national guard members upon their request therefor.

Ways and Means.

By Reps. Harper, Holley, Waggoner, Turner, Brakefield, Hall and Albright:

H. 400. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Ways and Means.

By Reps. Bennett and Horn:

H. 401. To propose an amendment to the Constitution of Alabama providing for an apportionment commission and directing that commission decennially to determine the size of the Alabama legislature, within the limits herein prescribed; to apportion the membership thereof throughout the State; and to divide the State into districts for the purposes of electing members of the senate and the house of representatives of the Alabama legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Langford:

H. 402. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities, and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Judiciary.

By Rep. Johnson (Roy):

H. 403. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program.

Ways and Means.

By Reps. Faulk and Blakeney:

H. 404. To exempt the Hank Williams Memorial Association in Butler County from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Faulk and Blakeney:

H. 405. To exempt the Butler County Sheriff's Posse Association from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Payne, Layton, Wright, Rogers, Escott, Howard, Trammell, Tucker and Boles (With Notice and Proof):

H. 406. Relating to Jefferson County; amending further Section 19 of Act No. 248, H. 580, 1945 Regular Session (General Acts 1945, p. 376),

which Act created and established a county-wide civil service system in each county having a population of 400,000 or more according to the last or any future federal census, so as to delete the maximum annual vacation leave that can be granted an employee of any such civil service system.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 406, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1976 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Payne, Reed, Waggoner, Manley, Lewis, Wright, Layton, Stout, Hall, Richardson, Grimsley, Blake, Crow, Browder, Laird, White (L), Seibels, Rains, Cosby, Bennett, Goodwin, Mitchell, Bowling, Drinkard, Boles, Johnson (RG) and Rice:

H. 407. To amend Section 40-18-19, Code of Alabama 1975, to provide for the exemption of retirement pay for firemen from state and local income taxes the same as retirement pay of school teachers, state employees, civil service retirees and peace officers.

Ways and Means.

By Reps. Carter and Butler:

H. 408. To prohibit persons under 16 years of age from operating certain motor boats without adult supervision and to provide criminal penalties.

Judiciary.

By Rep. Ford:

H. 409. To amend Section 16-60-88 of the Code of Alabama 1975 relating to determination of location of trade schools and junior colleges so as to provide that such determination be subject to approval of the legislature.

Education.

By Rep. Campbell (With Notice and Proof):

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 410, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harper:

H. 411. To amend § 9-12-113 of the Code of Alabama 1975 so as to increase the price of a commercial hook and line fishing license from $1.00 to $75.00, nets under 300 feet in length from $5.00 to $75.00, nets over 300 feet up to 1800 feet from $10.00 to $125.00, menhaden purse seines from

$100.00 to $200.00 and to provide for confiscation of illegal nets.

Ways and Means.

By Reps. Thornton and Browder:

H. 412. To provide that after a criminal offense has occurred the victim of that offense shall be entitled to protection from injury or intimidation which causes the prosecution of the original offense to be hindered and to provide for penalties.

Judiciary.

By Reps. Thornton and Browder:

H. 413. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

Judiciary.

By Rep. Clark:

H. 414. To authorize all local boards of education to pay employees a lump sum for their accumulated sick leave upon leaving the system in good standing.

Ways and Means.

By Rep. Clark:

H. 415. To amend Title 16, Section 13, Subsection 51(b) of the Code of Alabama so as to determine the amount of funds to be allotted for transportation by excluding pupils who live less than one mile from the school which they attend.

Ways and Means.

By Reps. Horn, Davis and Rogers:

H. 416. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Constitution and Elections.

By Rep. McKee:

H. 417. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Insurance.

By Rep. McKee:

H. 418. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the

amount of $500.00.

Insurance.

By Rep. Moore (With Notice and Proof):

H. 419. Relating to Shelby County, providing for the election and tenure of the members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 419, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Bowling:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. R. 68. SETTING ASIDE THE HOUSE ELECTIONS OF APRIL 21, 1983 FOR THE MEMBERSHIP OF THE LEGISLATIVE COUNCIL, THE STATE BUILDING COMMISSION AND THE LEGISLATIVE OVERSIGHT COMMITTEE OF THE DEPARTMENT OF PUBLIC ACCOUNTS.

WHEREAS, Article IV, Section 83 of the State Constitution provides, "In all elections by the Legislature the members shall vote viva voce, and the votes shall be entered on the journal."; and

WHEREAS, each member of the Legislature, when they took their oath of office swore before the Almighty God to uphold the Alabama Constitution and the Constitution of the United States; and

WHEREAS, the House elections held on April 21, 1983 for the membership of the Legislative Council, the State Building Commission and the Legislative Oversight Committee of the Department of Public Accounts were held in violation of said Article IV, Section 83; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That said House elections of April 21, 1983, be set aside and shall be null and void and that new elections be held immediately in accordance with Article IV, Section 83 of the State Constitution for the membership of the Legislative Council, the State Building Commission, and the Department of Public Accounts Legislative Oversight Committee.

Rep. Holmes, offered the motion to suspend the rules and adopt the resolution, H. R. 68.

DIVISION OF THE QUESTION

Rep. Sasser called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND THE RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. R. 68, and the motion was lost.

The resolution, H. R. 68, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote, of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Tucker, Horn, Rogers, Davis, Escott and Thornton:

H. R. 69. COMMENDING MR. DEMETRIUS C. NEWTON OF BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Reps. Carter, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell,

Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama is grievously saddened by the death of Mr. Henry Turnham of the Abanda Community, Chambers County, Alabama, on April 15, 1983, at the age of 92 years; and

WHEREAS, Mr. Turnham, who was a native of Chambers County, was a retired farmer and prior to his death, was the oldest member and Deacon of the Abanda Baptist Church; and

WHEREAS, Mr. Turnham was a beloved member of the Abanda Community and his loss is deeply felt by his many friends, and by his five children, among whom is our good friend and colleague, Pete Turnham of Auburn; and

WHEREAS, in addition to Representative Turnham, Mr. Henry Turnham is survived by his two daughters, Mrs. Mary Jo Hodges and Mrs. Grace Moon; his sons, Bill and Carl Turnham; his sister, Mrs. Dera Shockley, and by ten grandchildren and 14 great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Henry Turnham of Chambers County, Alabama, and direct that copies of this resolution be provided for his family in expression of the deep sorrow we personally share with our friend Pete Turnham and with all family members.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 70, was adopted.

Also:

The following resolution was introduced:

By Reps. Cosby, Bryant, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibals, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

WHEREAS, in 1975, following retirement from the United States Army, Major General Thomas H. Barfield was appointed Executive Vice President of Marion Military Institute, assuming the presidency in 1976 in the school's 135th year; his forthcoming retirement at the close of the current term will thus conclude a prestigious tenure of eight years of accom-

plished service to MMI; and

WHEREAS, a native of Lineville, General Barfield is himself a graduate of Marion Military Institute, and of the University of Alabama; he additionally holds the Master's Degree from George Washington University, is a graduate of the National War College and a recipient of an honorary doctorate from Judson College; and

WHEREAS, General Barfield was serving as a teacher and Commandant of Cadets at MMI at the onset of World War II, whereupon he entered the United States Army to subsequently serve in the South Pacific and later in Korea during the Korean conflict; and

WHEREAS, his military career of more than 30 years was one of great distinction with a unique record of having commanded every level of Air Defense Units from platoon to the 23rd North American Air Defense Region, which encompassed major portions of the United States and Canada and included U. S. Army, Navy and Air Force as well as Canadian Air Force units in his command; and

WHEREAS, as President of Marion Military Institute, General Barfield is credited with instilling new vigor and inspiration into Marion, and has stimulated increased enrollment each of his years as President until the school's goal of 500 boarding students appears within near-future reach; and

WHEREAS, in addition to physical repair and renovation, the school has, more importantly, academically advanced to superlative status and is indeed a unique educational institution which ranks among the finest of its type in the nation, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Thomas H. Barfield and express our appreciation for his contributions and service to our nation, to Marion Military Institute and to each community he has also sought to serve in all areas of concern.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to General Barfield in small token of our sincere gratitude and regard, and in expression of our very best wishes for every continuing success in life.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 71, was adopted.

REPORT FILED

Report of the Alabama Interim Legislative Committee on Municipal Government in Alabama was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Payne, Biddle and Layton:

H. J. R. 72. ESTABLISHING A COMMITTEE TO STUDY THE FUTURE DEVELOPMENT OF SEWERS AND RELATED PROBLEMS WITHIN THE CENTER POINT FIRE DISTRICT SERVICE AREA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Com-

mittee to Study the Development of Sewers in the Incorporated Areas within the Center Point Fire District Service Area. The Committee shall be charged as follows:

1. Determine current tax revenues that are being paid by residents of the Fire District and the resulting benefits that the communities in the incorporated areas located within the Fire District are receiving from those funds, especially as they relate to sewers and sewer development.

2. Investigate whether or not we need to raise additional funds in the Fire District for sewer development.

3. To confer with the Center Point Fire District Board and firemen to determine if additional funds are necessary for the operation of the Fire District.

The Committee is to be composed of thirteen (13) members; President of the Center Point Chamber of Commerce, Chairman of the Center Point Fire District Board, President of the Chalkville Civic Club, President of the Pinson Valley Association, President of the Clay Recreation Association, two members appointed by the incumbent House Member now residing in the new House District 43 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member now residing in the new House District 44 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member now residing in the new House District 45 as approved by the Federal Courts in 1983, and two members appointed by the Senate Member now residing in the new Senate District 15 as approved by the Federal Courts in 1983.

Appointments to the Committee will be made within 30 days after this Resolution is passed. If the appointments are not made within 30 days, they will be forfeited. The Committee will meet Friday, May 27, 1983, at 7:00 p.m., in the President's Conference Room at Jefferson State Junior College at which time the Committee will elect a Chairman and a Vice-chairman from the total membership.

Members of the Committee will serve without compensation.

The Committee will report to the House and Senate Delegation no later than January 15, 1984. The Committee will make written recommendations which will include, but not be limited to:

1. Any methods for raising additional revenue for future sewer development and if necessary new revenue for the Fire District Board.

2. If new revenues are recommended, specify how they will be collected and distributed.

3. Report on tax revenues currently being collected in the Fire District and benefits received for those revenues.

The Committee shall be terminated upon adjournment of the meeting when recommendations are made to the House and Senate delegations to the State Legislature.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Reps. Kvalheim and Gaston:

H. J. R. 73. In recognition of Coach Eddie Stanky's outstanding

achievements, service and dedication to the University of South Alabama, to the Jaguar baseball team and to the sport of baseball.

WHEREAS, Coach Stanky stunned the baseball world by announcing that the 1983 season would be his last as head coach of the University of South Alabama, closing out the career of one of baseball history's most colorful and delightful characters, and

WHEREAS, since coming to the University of South Alabama in 1969, Stanky has built the Jaguar baseball program into one of the nation's finest as attested by his 448-167 career record and his .728 winning percentage, and

WHEREAS, in addition to the national recognition he has brought to the University of South Alabama and the talented ballplayers he has supplied to professional baseball, Coach Stanky has provided area baseball fans with a lot of excitement, and

WHEREAS, Coach Stanky is also a veteran of eighteen years in professional baseball, as both a player and a manager, and

WHEREAS, Coach Stanky participated in three world series, with Brooklyn in 1947, with Boston in 1948, and with New York in 1951, and

WHEREAS, the ageless Stanky has build South Alabama into a national power without forfeiting the concept of the student - athlete,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring, that congratulations, appreciation and support are extended to Coach Eddie Stanky and his family for his many accomplishments and contributions, and for his outstanding efforts in distinguishing the University of South Alabama, the city of Mobile and the State of Alabama in the field of baseball.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Coach Edward Raymond Stanky.

On motion of Rep. Kvalheim the rules were suspended and the resolution, H. J. R. 73, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11: By Rep. Trammell:

H. R. 74. COMMENDING MRS. ELLA MAE MILLER ON THE OCCASION OF HER 80TH BIRTHDAY.

Also:

By Rep. Nicholson:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

WHEREAS, the Alabama Legislature shares the delight of Mr. and Mrs. Leon Goodwyn of Jasper, Alabama, in the birth of their son, Caleb McNeill Goodwyn, on February 21, 1983; and

WHEREAS, it is significant to note that young Caleb McNeill is the first-born of a new generation of Goodwyns which is the family of our friend and former colleague, the late Senator O. J. "Joe" Goodwyn of Montgomery; and

WHEREAS, again, we express great pleasure and rejoice with Leon and Rachel Goodwyn as the proud new parents of a fine and healthy young son, who was seven pounds and two ounces at birth and every inch a Goodwyn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. and Mrs. Leon Goodwyn of Jasper, Alabama, on the birth of their son, Caleb McNeill Goodwyn, on February 21, 1983, and direct that they receive a copy of this resolution, tendered in warmest personal regard.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for young Caleb McNeill that he may later know of our pleasure in his birth, of our wishes for him for every happiness and joy in life, and of our affectionate memories and highest regard for his Great Uncle "Joe."

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Rep. Bryant and Langford:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

WHEREAS, the Alabama Legislature is both pleased and proud to note the February 1983 State 3A Championship captured by the Keith High School Girls Basketball Team; and

WHEREAS, the 3A State Titlists from Orrville, Dallas County, Alabama, were led to a brilliant 27-0 season record by Head Coach John Cheatham, and to the Championship following a resounding 64-49 win over Hazel Green in the finals; and

WHEREAS, Keith Cager Velda Walker was named State Tournament MVP, winning a place as well on the Class 3A All-State team along with teammate Diane Thomas; other team members were Illoise Johnson, Charity Irby, Tammy White, Alisa Sanders, Annette Jones and Mary Johnson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily praise and congratulate Coach John Cheatham of Keith High School and his State 3A Champion Girls Basketball Team.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Cheatham on behalf of the team, and a copy to Principal James H. Carter for appropriate school display.

On motion of Rep. Bryant, the rules were suspended and the resolution, H. J. R. 76, was adopted.

Also:

By Rep. Holley:

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

WHEREAS, Distinguished Farm Spokesman of the Year is an annual award of the Farm-City Committee of Alabama bestowed in public recogni-

tion of an outstanding citizen who also is an effective leader and spokesman for agriculture; and

WHEREAS, the Alabama Legislature notes with commendation that on Agriculture Appreciation Day, March 21, the recipient of this prestigious honor for 1983, was Mr. L. Martin Moates who farms a 1,480-acre diversified operation near Enterprise, Alabama; and

WHEREAS, a farmer since 1944, following two years of active duty with the United States Army during World War II, Mr. Moates has expanded the small farm he bought from his father into the large farm he operates today which includes a 100-cow dairy herd which averaged 12,191 pounds of milk per cow, 265 acres of corn, 243 acres of soybeans, 298 acres of peanuts and 95 acres of sorghum; and

WHEREAS, in agricultural leadership, Mr. Moates is chairman of the Coffee County Soil Conservation District, a past president of the State Association of District Supervisors, current Chairman of the South Alabama USDA Target Area Program, a 15-year board member of the Coffee County Farm Bureau, a current member of Farm Bureau State Dairy Committee and Farm Crisis Task Force; and

WHEREAS, Mr. Moates additionally is involved in a number of civic and community affairs, both in membership and in leadership capacities, and in such areas as the Enterprise Chamber of Commerce, Enterprise State Junior College, and the First Baptist Church of Enterprise where he is a Deacon and has been a Sunday School Youth Leader for 30 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. L. Martin Moates of Enterprise, Alabama, for outstanding leadership, both in agriculture and in civic and community affairs; we congratulate him as Farm City's Distinguished Farm Spokesman of the Year, 1983, and direct that he receive a copy of this resolution in declaration of sincere commendation and regard.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 77, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Turner, Gaston, Kvalheim, Buskey, Harper, Clark, Zoghby and Box:

H. R. 78. CONGRATULATING REPRESENTATIVE STEVE CLIKAS OF MOBILE, ALABAMA.

Also:

By Rep. Moore:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

WHEREAS, James Carroll McGraw was born on the 2nd day of December, 1930, in Vincent, Shelby County, Alabama, the first male child of Richard Thomas and Lallouise Florey McGraw; and

WHEREAS, he graduated from Vincent High School in 1948, attended Marion Military Institute and graduated from the University of Auburn with a Bachelor of Science degree in 1952; and

WHEREAS, upon his graduation from college his military status was that of second lieutenant in the Army of the United States of America; and

WHEREAS, he served his country in military service at Fort Carson, Colorado, for a period of two years and was discharged as first lieutenant of the Army of the United States of America; and

WHEREAS, in 1956 he organized and activated, as Commanding Officer, the 166th Engineers Company. D. T., the first military unit to occupy The National Guard Armory at Vincent, Alabama; and

WHEREAS, he attended Officers' School at Fort Belvoir, Virginia and earned the rank of captain in the year 1957; and

WHEREAS, he retired from the Army of the United States of America with the rank of captain in the year of 1958; and

WHEREAS, he is a prominent and influential leader in the civic, social and religious life of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend James Carroll McGraw for extraordinary services to our nation and to the community of Vincent, Shelby County, Alabama; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he may know of our esteem and of our deep appreciation for his years of service to our nation and the State of Alabama.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 79, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11.

By Reps. Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. R. 80. EXTENDING BEST WISHES FOR A SPEEDY RECOVERY TO MRS. GLADYS DAVIS.

BILLS TEMPORARILY POSTPONED

On motion of Rep. Turner, the bills H. 29, 30, 31, 38 and 39, were temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the Bills on the Special Order Calendar.

And the bill:

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Brakefield, Buskey, Campbell, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, White (F), White (L), Wilson and Zoghby.

—55

And the bill:

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Brakefield, Campbell, Carter, Casey, Clikas, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Horn, Junkins, Lauderdale, Layton, McMillan, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Turner, White (F) and Wilson.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 119. Relating to Pickens County; providing for an increase in court

costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Buskey, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Turner, White (L), Williams, Wilson and Zoghby.

—56

And the bill:

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Buskey, Campbell, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, White (F), Williams, Wilson and Zoghby.

—55

And the bill:

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Buskey, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall,

Hammett, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Waggoner, White (F), White (L), Williams, Wilson and Zoghby.

—60

And the bill:

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Horn, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, McMillan, Manley, Martin, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Reed, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, White (F), White (L), Williams and Wilson.

—61

And the bill:

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pets within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blakeney, Box, Brakefield, Brooks, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, White (F), Williams, Wilson and Zoghby.

—63

And the bill:

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pur-

suant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Scott, Seibels, Smith, Starr, Thomas, Turner, Turnham, Venable, Waggoner, White (F), Williams, Wilson and Zoghby.

—62

And the bill:

H. 206. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carter, Casey, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson R.G.), Johnson (Roy), Kvalheim, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson and Zoghby.

—67

And the bill:

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same

terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 9.

Yeas:

Reps. Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Buskey, Clikas, Coleman, Cosby, Dutton, Flowers, Hammett, Hettinger, Holmes, Johnson (Roy), Junkins, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Newman, Penry, Poole, Rice, Richardson, Sasser, Scott, Starkey, Thomas, Turnham, Waggoner, White (F), Williams and Zoghby.

—40

Nays: Reps. Butler, Carter, Gaston, Horn, Kvalheim, Parker, Rains, Smith and Turner.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 258. To alter or rearrange the boundary lines of the town of Cedar Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carter, Casey, Coleman, Cosby, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Newman, Nicholson, Parker, Poole, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner,

Turnham, Venable, White (F), Williams, Wilson and Zoghby.

—62

Nay: Rep. Rains —1

And the bill:

H. 187. (With Amendments): Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and providing for the forfeiture of certain funds upon falsification of registration forms.

Was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend HB 187, page 2, line 10 after the word "Association" by adding the following language:

and Chunchula-Turnerville Recreational Association and Tanner Williams Community Club Ball Park Association and Theodore Community Club Association

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Drinkard, Dutton, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Martin, Mathis, Mitchell, Newman, Nicholson, Parker, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Turner, Turnham, Waggoner, White (F), Williams, Wilson, Wright and Zoghby.

—57

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend HB 187, page 3, line 19 by striking after the word "before" March 31 and inserting in lieu thereof the following:

May 10

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Box, Butler, Carter, Casey, Clark, Clikas, Coleman, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Layton, Martin, Newman, Nicholson, Parker, Poole, Reed, Rice, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Turner, Turnham,

Venable, White (F), Williams, Wilson, Wright and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend HB 187, on page 2, after Section 2 by adding a section 2a with the following language:

A county Babe Ruth Association when incorporated and in compliance with this law shall also share in the proceeds and be entitled to a member on the county board to serve a four-year term.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Box, Brakefield, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Johnson, (A.L.), Junkins, Kvalheim, Lauderdale, Layton, Martin, Mathis, Newman, Nicholson, Parker, Poole, Rains, Reed, Rice, Scott, Seibels, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—54

The question was then on the adoption of the amendment #4, reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend HB 187 on page 4, after line 19 by adding a subsection to be section 8a. This act will be retroactive to January 1, 1983, in regard to disbursement of funds, after passed by the Legislature and approved by the Governor.

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Dutton, Faulk, Freeman, Gaston, Goodwin, Hall, Hammett, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Layton, Martin, Mathis, Newman, Nicholson, Parker, Poole, Reed, Rice, Scott, Seibels, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 187, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Freeman Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Langford, Lauderdale, Layton, Martin, Mathis, Murphy, Newman, Nicholson, Parker, Poole, Reed, Rice, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—62

CO-SPONSORS ADDED

Representatives Harper and Gaston were added as co-sponsors to the bill, H. 187.

HOUSE BILLS TEMPORARILY POSTPONED

On motion of Rep. Turner the bills H. 44 and H. 45 were temporarily postponed.

SPECIAL ORDER RESUMED

And the bill:

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clark, Clikas, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Mathis, Newman, Nicholson, Parker, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—57

And the bill:

H. 183. (With Amendments): Relating to Mobile County; to provide

for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

Was taken up.

The question was then on the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being a follows:

Amend H. B. 183, page 1, Section 1, Line 24 by striking after the word "Health"; the following language:

~~provided, however, the portion of said tax receipts allocated, used and otherwise expended for general health purposes by the Mobile County Board of Health;~~

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Martin, Mathis, Newman, Nicholson, Parker, Penry, Poole, Reed, Rice, Richardson, Sasser, Scott, Starr, Thomas, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:08 P.M. on April 26, 1983.

H. J. R. 32

H. J. R. 47

Delivered to the Governor at 4:45 P.M. on April 26, 1983.

H. J. R. 18

JOHN W. PEMBERTON,
Clerk.

H. 183 RESUMED

MOTION TO INDEFINITELY POSTPONE

Rep. Buskey offered the motion to indefinitely postpone the bill H. 183, as amended and with pending committee amendment.

SUBSTITUTE MOTION ADOPTED

On motion by Rep. Box, the substitute motion that the House adjourn pursuant to H. R. 65 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, April 27, 1983.

Yeas 47; Nays 37.

Yeas:

Reps. Adams, Bennett, Box, Brooks, Buskey, Butler, Clark, Clikas, Coleman, Cosby, Escott, Flowers, Freeman, Gaston, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Laird, Lewis, McMillan, Manley, Martin, Murphy, Payne, Penry, Rains, Reed, Rice, Rogers, Sasser, Scott, Seibels, Starkey, Stout, Tucker, Turner, Turnham, White (F), White (L), Wilson, Wright and Zoghby.

—47

Nays: Mr. Speaker, Ashley, Blake, Bowling, Brakefield, Browder, Bryant, Campbell, Carothers, Carter, Casey, Coburn, Davis, Drinkard, Dutton, Ford, Goodwin, Grouby, Holley, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Mathis, Minus, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Richardson, Smith, Thomas and Venable.

—37

FOURTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, April 27, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Lawson Bryan, Pastor, Dexter Avenue Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JOHN CASEY,
Chairman

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the third legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 81. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Wednesday, April 27, 1983, we adjourn to meet again on Tuesday, May 3, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 81, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 82. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, April 27, 1983, we adjourn to meet again on Tuesday, May 3, 1983, at 1:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 82, was adopted.

Also:

By Rules Committee:

H. R. 83. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 27, 1983, taking precedence over any other business of the House.

Report of Standing Committees.

Introduction of Bills and Resolutions.

H. 252. p. 3, Driver's operating record, increase, Mr. Campbell.

H. 248. p. 4, ABC Board, 5% mark up, designated to State, Mr. Casey.

H. 243. p. 6, Estate and inheritance tax, due dates, Mr. Coburn.

H. 260. p. 6, Contractors gross receipts tax, Mr. Holley.

H. 75. p. 33, Hearing of insane prior to release, Mr. Campbell.

H. 105. p. 30, Illegal possession of food stamps, Mr. Williams.

Uncontested Local Bills.

On motion of Rep. Casey, the resolution H. R. 83, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 393. (With Amendment): To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills and resolutions affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 400. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect, and to place additional duties and confer additional powers and authority on certain state departments.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law for a national bank or federal savings bank or federal savings and loan asso-

ciation or federal savings and loan service corporation and to acquire and hold any or all of the shares or one or more federal or state savings banks or federal savings and loan associations having no offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

H. 329. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financial statement on a perfected security interest.

H. 80. To provide for payment of examination fees by credit unions.

H. 101. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

H. 394. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 224 To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Rep. Goodwin, Chairman of the Standing Committee on Public Utilities and Transportation reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 52. To prohibit the movement of mobile homes, modular homes, sectional homes, or portable buildings upon or over any public road or highway having one or two standard traffic lanes between the hours of 7:00 a.m. and 8:30 a.m. and 2:30 p.m. and 4:00 p.m. on days when public secondary schools are in operation; to provide that any state permit issued contrary to the provisions of this act shall be void ab initio.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 53. (With Amendment): Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 327. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 45. Relative to legislative meeting dates April 21, 1983, through April 27, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Stout and Parker:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor.

Health.

By Reps. Butler and Carter (With Notice and Proof):

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

Local Legislation No. I.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 422, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Harvey (With Notice and Proof):

H. 423. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 423, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Box (With Notice and Proof):

H. 424. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 424, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Smith:

H. 425. To amend Section 16-40-5.2 Code of Alabama, 1975 as last amended so as to provide that a driver education teacher who secures a higher level of certification than the Bachelor Degree level shall be paid at the higher salary level regardless of when the advance degree is secured.

Ways and Means.

By Rep. Turner:

H. 426. To provide for certain payroll deductions for firefighters employed by political subdivisions in this state.

Local Government.

By Reps. Wilson, Campbell, Starr, Langford, Nicholson, McKee, Blakeney and Brooks:

H. 427. To amend Code of Alabama 1975, § 35-4-29, relating to the forms of acknowledgments to be used on conveyances and instruments of every description admitted to record by deleting the requirement that an acknowledgment for individual and for official or other person in representative capacity be dated on the same day that the instrument bears date.

Judiciary.

By Rep. Cosby:

H. 428. To amend Section 41-19-8 of the Code of Alabama 1975, relating to certain fiscal responsibilities of the legislature as to adoption of financial plans and appropriations acts for state government, so as to provide a certain alternative for failure of the legislature to implement such plans and acts.

Ways and Means.

By Rep. Cosby:

H. 429. To amend § 16-24-2 of the Code of Alabama 1975, which established the criteria for teachers, principals and supervisors obtaining continuing service status (tenure), so as to add the positions of assistant principal, administrative assistant to the principal to this list.

Education.

By Rep. Cosby:

H. 430. To amend § 16-24-2 of the Code of Alabama 1975, which established the criteria for teachers, principals and supervisors obtaining continuing service status (tenure), so as to add the position of assistant principal to this list.

Education.

By Rep. Venable:

H. 431. To authorize counties of this State to establish and provide fire protection districts within each county; to enter into agreements with organized Fire Departments within each county for fire protection and services; to set fees for fire protection services within each county, and to prescribe the manner of collection and distribution of such fees.

Local Government.

By Rep. Venable:

H. 432. To authorize the municipalities of this state to establish and collect a service charge for fire protection within their municipal limits and police jurisdiction.

Local Government.

By Reps. Kvalheim, Gaston, McMillan and Zoghby:

H. 433. To amend sections 15-18-1 and 15-18-82 of the Code of Alabama 1975 relating to the manner of execution of persons convicted of a capital offense, so as to provide for execution by lethal injection.

Judiciary.

By Reps. Horn and Rogers:

H. 434. To provide that certain funds derived from pari-mutual wagering shall be paid into the treasury of Alabama to be deposited in the state general fund for indigent health care.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Ford:

H. J. R. 84. CREATING A JOINT INTERIM COMMITTEE TO STUDY CONSOLIDATION OF TWO-YEAR COLLEGES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim comittee to study the possibility of consolidating two-year colleges. Said committee shall be composed of three members of the House of Representatives and three members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting of the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to the two-year colleges.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Education Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed $9,000.00.

On motion of Rep. Ford, the resolution, H. J. R. 84, was temporarily postponed.

Also:

By Reps. Bennett, Campbell, Browder, Crow and Casey:

H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, the 1982-83 Jacksonville State University Basketball Team compiled a 24-8 record in winning the NCAA Division II South Region Championship, and

WHEREAS, the Gamecocks, coached by Bill Jones, became the first Jacksonville State University Basketball Team in modern history to reach the NCAA semi-final round, and

WHEREAS, Jacksonville State, ranked sixth in the nation most of the season, broke a 36-year record for the most wins with 24 victories, and

WHEREAS, the Gamecocks also won the Gulf south Conference Tournament in posting one of its finest seasons ever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby congratulate the Jacksonville State University Gamecocks on an excellent national showing in which they represented the State of Alabama in the best possible light, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jacksonville State University Head Basketball Coach Bill Jones and to Jacksonville State University President Theron Montgomery.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 85, was adopted.

Also:

By Rep. Richardson:

H. R. 86. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H.B. 316 OF THE 1983 REGULAR SESSION, AS AMENDED.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the following important Constitutional questions which have arisen concerning the pending H.B. 316 of the 1983 Regular Session, as amended, which local bill is introduced as enabling legislation pursuant to a proposed amendment to the Constitution of Alabama of 1901, proposed by H. B. 316, authorizing, inter alia the Jackson County Commission to fix a county fire protection tax and to provide for the administration of the office of county fire marshal. Copies of said H.B. 316, as amended, are attached to this resolution and made a part hereof by reference.

1. Would the amendment to Section 2 of this advertised, local bill be considered a material change, of the provisions of the bill as advertised contravening the provisions of Article IV, Section 106 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send sufficient copies of the pending H.B. 316, with the said amendment, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. R. 86, was adopted.

H. J. R. 84 RESUMED

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 84, which was previously temporarily postponed, was adopted.

RESOLUTION

The following resolution was introduced:

By Reps. Payne, Biddle and Layton:

H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

WHEREAS, Mr. Ormand Buffington recently completed a 15-year tenure as a member of the board of trustees of the Center Point Fire District,

his service dating from the board's inception in 1968; and

WHEREAS, from a small force of just six men and an annual budget of $65,000, the Center Point Fire District has progressed to 40 firefighters and five medics with a monthly budget of $65,000, serving 13,000 businesses and homes; in 1982 the four stations in the district answered 2,554 fire and medical emergency calls; and

WHEREAS, Mr. Buffington, now an insurance salesman, is a retired 30-year employee of the United States Postal Service, having retired as budget officer of the Birmingham sectional center; and

WHEREAS, in further civic involvement, Mr. Buffington has served for many years as supervisor of the Erwin High School voting precinct, and has been active in the leadership of Center Point First United Methodist Church, also serving as Sunday School teacher for a number of years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Ormand Buffington for outstanding service to the Center Point Fire District, to his church, and in numerous other areas of community concern.

BE IT FURTHER RESOLVED, That Mr. Buffington receive a copy of this resolution which we tender in utmost praise and regard.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 87, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $5.00.

Was taken up.

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 252:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $4.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-4, Code of Alabama 1975, is hereby amended to read as follows:

"32-7-4. The director shall upon request furnish any person an abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicle, if any, registered in the name of such person, and, if there shall be no record of any

convictions of such person of violating any law relating to the operation of a motor vehicle or any injury or damage caused by such person, the director shall so certify. The director shall collect for such abstract the sum of ~~$2.00~~ $4.00.

Section 2. This act shall become effective October 1, 1983.

And the substitute was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams, Bennett, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turnham, Venable, Warren, White (F.), Wilson and Wright.

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Nays: Reps. Bryant and Faulk. —2

And the bill:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from $2.00 to $4.00.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 8.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—79

Nays: Reps. Brooks, Gaston, Harper, Kvalheim, McKee, Murphy, Payne and Seibels.

—8

And the bill:

H. 248. (Substitute): To provide that 5 percent of the "mark up" on cost added to the purchase price on merchandise sold in Alcoholic Beverage Control Board stores be designated to the credit of the General Fund of the State.

Was taken up.

AMENDMENT OFFERED

Rep. Casey offered the following substitute to the bill, H. 248 with pending substitute reported by the Standing Committee on Ways and Means.

A BILL
TO BE ENTITLED
AN ACT

To provide that of all "mark up," on merchandise, authorized by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word "Board," wherever used in this Act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 3, Title 28, Code of Alabama 1975. The term "mark up," wherever used in this Act shall mean the percentage amount added to cost plus freight on spirituous or vinous liquors sold by the "Board," exclusive of taxes heretofore levied with respect thereto.

Section 2. Of all "mark up" on merchandise, authorized by the Alcoholic Beverage Control Board on and after the effective date of this Act, five percent of such mark up (as that five percent bears to the total percentage mark up) shall be designated to the credit of the General Fund of the State.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall become effective August 1, 1983.

And the substitute was adopted.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

AMENDMENT OFFERED

Rep. Harper offered the following amendment No. 1 to the bill, H. 248, as amended.

In Section 5 on line 36, delete the words

"August 1, 1983" and substitute in lieu thereof:

October 1, 1983

AMENDMENT TABLED

On motion of Rep. Casey, the amendment No.1 offered by Rep. Harper, to the bill H. 248, as amended, was tabled.

Yeas 54; Nays 25.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Casey, Coburn, Coleman, Crow, Davis, Dutton, Flowers, Goodwin, Grimsley, Harvey, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Manley, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Stout, Turnham, Warren, White (F), White (L), and Williams.

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Nays:

Reps. Biddle, Box, Brooks, Clark, Clikas, Cosby, Gaston, Harper, Hettinger, Howard, Kennedy, Kvalheim, Layton, Lewis, McMillan, Murphy, Payne, Penry, Rains, Scott, Thornton, Turner, Wilson, Wright and Zoghby.

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POINT OF PERSONAL PRIVILEGE

Rep. Clikas requested as a matter of personal privilege that the Journal show that he inadvertently voted Aye and meant to vote Nay on the final passage of the bill, H. 252.

H. 248 RESUMED

Rep. Harper offered the following amendment No. 2 to the bill, H. 248, as amended.

On page 1, line 30, after the word "State." insert:

The "mark-up" set by the Board on the effective date of this act shall remain the same and shall not be increased.

MOTION TO POSTPONE TABLED

On motion of Rep. Holmes, the motion by Rep. Turner to postpone the bill, H. 248, as amended, and with pending amendment, to the fifth legislative day, was tabled.

Yeas 70; Nays 17.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Coburn,

Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rice, Rogers, Sasser, Smith, Starkey, Stout, Thomas, Thornton, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—70

Nays: Reps. Box, Clikas, Cosby, Gaston, Hammett, Harper, Howard, Kennedy, Kvalheim, Lewis, McMillan, Payne, Rains, Richardson, Scott, Seibels and Turner.

—17

AMENDMENT TABLED

On motion of Rep. Casey, the amendment No. 2 offered by Rep. Harper to the bill, H. 248, as amended, was tabled.

Yeas 59; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Coburn, Coleman, Crow, Davis, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rice, Rogers, Sasser, Smith, Starkey, Stout, Thomas, Turnham, Waggoner, Warren, White (F), White (L), Williams and Wright.

—59

Nays: Reps. Box, Clikas, Cosby, Gaston, Harper, Howard, Kennedy, Kvalheim, McMillan, Minus, Murphy, Payne, Rains, Richardson, Scott, Seibels, Thornton, Turner, Wilson and Zoghby.

—20

And the bill:

H. 248. To provide that of all "mark up," on merchandise, authorized by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Sasser,

Smith, Starkey, Stout, Thomas, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—72

Nays: Reps. Box, Brooks, Clikas, Cosby, Freeman, Gaston, Harper, Kennedy, Kvalheim, McKee, McMillan, Murphy, Payne, Rains, Scott, Seibels, Starr, Thornton, Turner and Wilson.

—20

And the bill:

H. 243 To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, H. 243:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Sections 40-1-44, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-15-4, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§40-15-4. Time of payment; extension of time.

The tax imposed by this chapter shall be due and payable on or before ~~15~~ 9 months after the decedent's death and shall be paid by the personal representative to the department of revenue; provided, that where the department of revenue finds that the payment on the due date of any part of the amount due would impose undue hardship upon the estate, the department of revenue may extend the time for payment of all or any part, not to exceed 10 years from the original due date. In such case the amount or amounts in respect of which the extension is granted shall be paid on or before the dates thus fixed, unless further extended within said limitation as to time. If the time for payment is extended, there shall be collected, in addition to the tax, interest thereon at the legal rate from the original due date of the tax to the date of payment. The department of revenue may, in its discretion, accept such security as it may approve for the deferred payments or may release any part of remainder of the estate from any claim or lien for the payment of the tax."

Section 2. Section 40-15-7, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§40-15-7. Nonresident decedents.

(a) Except as herein otherwise provided, all of the provisions of this chapter shall be applicable to so much of the estates of nonresident decedents as is subject to estate tax under the act of congress in effect at the time of the death of decedent as consists of real estate or tangible personal property located within this state or other items of property or interest therein lawfully subject to the imposition of an estate tax by the state of Alabama.

(b) In assessing the tax upon any real estate or tangible property located within this state belonging to the estate of a nonresident decedent, which shall pass by will, devise or by the laws of intestacy, the department of revenue shall determine the tax due to be such proportion of the federal estate tax as would be leviable upon an estate of similar taxable net value, less that proportion of any exemption to which the estate is entitled, which the actual value of the real estate and tangible personal property located within this state belonging to the estate of the nonresident decedent bears to the actual value of the gross estate of the nonresident decedent wherever situate whether in this state or not.

(c) No tangible personal property located within this state belonging to the estate of a nonresident decedent and taxable under this chapter shall be transferred or delivered to any person except a legal representative of the estate of said deceased duly appointed whether in this state or in the state of the decedent's domicile by a court having jurisdiction for the purpose.

(d) Such property shall not be transferred or delivered to a foreign legal representative until the tax has been paid, except under such conditions and after giving such security as the department of revenue may agree upon. Any person or corporation which shall transfer or deliver or having control thereof shall permit the transfer or delivery of any such property to any person other than a resident legal representative before such tax has been paid shall be liable for the tax and additional penalty of not more than $1,000.00 in an action brought by the department of revenue for the use of the state.

(e) Legal representatives shall be liable for such tax upon and to the extent of all such property which shall come into their hands as such, with interest as hereinafter provided.

(f) Every person having in his possession or control any tangible personal property belonging to the estate of a nonresident and taxable under this chapter shall, unless the property is delivered to a resident legal representative within 30 days after the death of the owner, notify the department of revenue and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident legal representative appointed within ~~15~~ 9 months after the owner's death, the circuit court of the county of Montgomery shall, upon petition of the department of revenue, appoint a resident legal representative, or a special legal representative as the circumstances of the case may require, to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(g) All taxes imposed by this chapter in relation to estates of nonresident decedents shall be due and payable at the time of the death of the decedent; and, if not paid within ~~15~~ 9 months thereafter, unless the time for payment shall be extended, interest at the rate of 12 percent per annum shall be charged and collected from the expiration of ~~15~~ 9 months after the

death of the decedent, and said taxes and interest shall be and remain a lien on the property transferred until the same are paid.

(h) Real estate and tangible personal property within the jurisdiction of this state, except as otherwise provided, belonging to nonresidents which shall pass by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, shall be subject to the same tax imposed upon transfers hereinbefore described by this chapter. The taxes upon such transfer shall become due and payable at once upon the death of the grantor or donor, and if not paid within ~~15~~ 9 months from the death of the grantor or donor, unless the payment shall be extended, shall be subject to interest as aforesaid after the expiration of said period until paid. Said taxes and interest shall be a charge against the person receiving such property, and the property transferred shall be subject to a lien to secure its payment. All persons or corporation within the jurisdiction of the state in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor or donor shall be subject to all the duties, liabilities and penalties imposed herein upon persons having the possession or control of the personal estate of such decedent.

(i) A resident legal representative holding personal property of a deceased nonresident subject to said tax shall deduct the tax therefrom or collect it from the legal representative in the state of the decedent's domicile and shall not deliver such property to him or any other person until he has collected the tax and paid the same to the department of revenue. When the transfer of such personal property is subject to a tax under the provisions of this chapter and the legal representative in the state of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid within ~~15~~ 9 months after the decedent's death, or within the time extended, the resident legal representative may, upon such notice as the circuit court of the county of Montgomery may direct, be authorized to sell such property or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by the nonresident decedent in his lifetime is subject to said tax, the resident legal representative shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.

(j) The department of revenue shall determine the amount of all taxes due and payable under the provisions of this chapter in relation to nonresident decedents and shall certify the amount due and payable to the resident legal representative, if any, otherwise, to the person or persons by whom the tax is payable.

(k) The department of revenue, whenever it has knowledge or reason to believe that any person, firm or corporation has in his, its or their possession or control any tangible personal property belonging to the estate of a deceased nonresident upon or in respect to which the tax has not been paid and a schedule of which has not been furnished, as herein provided, or that any such person, firm or corporation has received a transfer or delivery of such property or made such a transfer or delivery, except to a resident legal representative, upon which or in respect to which the tax has not been paid, as herein provided, or that such person, firm or corporation has knowledge of a transfer or delivery of any such personal property, of such nonresident decedent in his lifetime, by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or

enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any member of such firm or any officer of such corporation to appear at the office of the department of revenue at Montgomery, at such time as the department of revenue may designate, and then and there to produce for the use of the department all books or papers which may be in the possession or control of such person, firm or corporation relating to such property or transfer or delivery and to furnish such other information relating to the same as he may be able and the department may require. Whenever the department of revenue shall require the attendance of any person, has herein provided, it shall issue a notice stating the time and place when such attendance is required and shall transmit the same by certified or registered mail, or cause a copy of the same to be given in hand, to such person at least 14 days before the date when such person is required to appear. If any person receiving such notice shall neglect or fail to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuse to furnish such books or papers or give such information, or if a corporation or firm whose officer or member is thus summoned refuses to permit him to produce such books or papers as are called for and are within the control of the corporation or firm, such person, firm or corporation shall be liable to a penalty of $25.00 for each offense, which may be recovered by the department of revenue for the use of the state. Any person attending in response to summons as herein provided shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the state in other cases. The department of revenue may commence an action for the recovery of any taxes assessable hereunder at any time after the expiration of ~~15~~ 9 months from the death of the decedent."

Section 3. Section 40-15-10, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§40-15-10. Appraisement upon failure to make reports.

Upon the failure to make and file with the department of revenue of Alabama the reports herein required of the legal representative of any estate against which a tax is required herein to be paid to the state of Alabama within ~~15~~ 9 months from the qualification of the legal representative, such estate may be appraised and assessed for the estate taxes herein levied by the department of revenue or its authorized representative or agent who shall have full power and authority to require the production of all evidence that will enable it or its agent to determine the value of all property of any such estate subject to be taxed under this chapter."

Section 4. Section 40-15-11, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§40-15-11. Execution for tax.

The tax imposed on the estates under the provision of this chapter, after tentative notice and opportunity to protest, if return has been made as contemplated hereby, shall have the full force and effect of a judgment on which execution may be issued by the department of revenue, and if a legal representative of any estate taxable under this chapter fails to pay the amount assessed against such estate within six months after notice from the proper authorities as to the amount to be paid, ~~15~~ 9 months after the death of the decedent whichever is later, provided that no extension is granted in respect to the whole or any part of the tax, the department of revenue is hereby authorized and it shall be its duty to issue execution directed to the sheriff of any county in the state of Alabama in which any of the property

of the estate is located for the amount of such tax against said estate, which execution shall be enforced by levy and sale, and the amount due shall bear interest at the rate of one percent per month until paid."

Section 5. Section 40-15-16, Code of Alabama, 1975, is hereby amended so as to read as follows:

"§40-15-16. Interest on delinquent payments. Should all returns be made within the time specified in this chapter, the estate tax and any deficiency in respect thereof levied by this chapter shall be delinquent ~~15~~ 9 months after the death of decedent. All or any part of the estate tax or any deficiency in respect thereto not paid before delinquent date shall bear interest at the rate established in Section 40-1-44, Code of Alabama, 1975 of ~~six percent per annum~~ until paid, ~~except as otherwise provided by this Chapter.~~"

Section 6. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remain.

Section 8. This Act shall become effective July 1, 1983.

And the substitute was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—84

Nays: Rep. Gaston. —1

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, H. 243, as amended:

Amend H.B. 243 on page 9, section 5, line 8 by striking ~~established in Section 40-1-44, Code of Alabama, 1975~~

Further Amend H.B. 243 on page 9, section 5, line 9 and 10 by adding the following stricken language:

of six percent per annum, except as otherwise provided by this chapter."

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Cosby, to

the bill, H. 243, as amended, was tabled.

Yeas 53; Nays 36.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Brakefield, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Hettinger, Holley, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Newman, Nicholson, Owens, Parker, Poole, Reed, Richardson, Rogers, Sasser, Starkey, Stout, Trammell, Turnham, Williams and Zoghby.

—53

Nays:

Reps. Box, Brooks, Carothers, Clikas, Cosby, Faulk, Gaston, Hall, Hammett, Harper, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Murphy, Payne, Penry, Rains, Rice, Scott, Seibels, Smith, Starr, Thornton, Turner, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—36

MOTION TO INDEFINITELY POSTPONE

The motion offered by Rep. Payne, to indefinitely postpone the bill, H. 243, as amended, was lost.

Yeas 28; Nays 63.

Yeas:

Reps. Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Mitchell, Payne, Rains, Scott, Seibels, Thornton, Turner, Warren, White (F) and White (L).

—28

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turnham, Waggoner, Williams, Wilson, Wright and Zoghby.

—63

And the bill, H. 243, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 30.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers,

Ford, Goodwin, Grimsley, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Richardson, Rogers, Sasser, Smith, Starkey, Starr, Stout, Thomas, Turnham, Venable, Williams, Wilson, Wright and Zoghby.

—66

Nays:

Reps. Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Freeman, Gaston, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Mitchell, Murphy, Payne, Rains, Scott, Seibels, Thornton, Turner, Waggoner, Warren, White (F) and White (L).

—30

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Adams and Johnson, (A.L.):

H. R. 88. COMMENDING KAREN BLOUNT ON RECEIVING THE SUPERINTENDENT'S VISUAL ARTS AWARD.

SPECIAL ORDER RESUMED

And the bill:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 38.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Campbell, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Goodwin, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Minus, Moore, Newman, Nicholson, Parker, Poole, Preuitt, Reed, Richardson, Rogers, Smith, Stout, Thomas, Thornton, Trammell, Tucker, Venable, Williams and Wright.

—53

Nays:

Reps. Adams, Blakeney, Box, Brooks, Butler, Carothers, Clikas, Cosby, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Laird, Lewis, McMillan, Manley, Martin, Mitchell, Murphy, Payne, Rice, Sasser, Scott, Seibels, Starkey, Starr, Turner, Waggoner, Warren, White (F), White (L), Wilson and Zoghby.

—38

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Boles and Trammell:

H. R. 89. COMMENDING EMILY WEST ON RECEIVING THE SUPERINTENDENT'S VISUAL ARTS AWARD.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:05 P.M. on April 27, 1983.

H.J.R. 45

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 82, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 3, 1983.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 3, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Timothy R. Trent, Minister of Membership Cultivation, First United Methodist Church, Dothan, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker,

Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—104

A quorum was present.

LEAVE OF ABSENCE

On motion of Rep. Howard, leave of absence was granted for Rep. Payne.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

BILLS ON SECOND READING

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 316. (With Amendment) Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 372. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

H. 384. Relating to Tallapoosa County; providing that the Tallapoosa County Commissioners shall serve full time as such officers.

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

RESOLUTIONS

The following resolution was introduced:

By Rules Committee:

H. R. 90. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 3, 1983, taking precedence over any other business of the House.

Report of Standing Committees.

Introduction of Bills and Resolutions.

Uncontested Local Bills.

And the Following Bills:

H. 340. p. 20, Court cost bill, Mr. Holley.

H. 287. p. 6, Utilities gross receipts tax, Mr. Poole.

H. 242. p. 4, Appropriation, interest on public debt, Mr. Coburn.

H. 393. p. 42, Fiscal notes, attached on 3rd reading, Mr. Coburn.

H. 244. p. 3, Corporations, estimated income tax, Mr. Coburn.

On motion of Rep. Casey, the resolution, H. R. 90, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 91. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 3, 1983, we adjourn to meet again on Thursday, May 5, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 92. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 3, 1983, we adjourn to meet again on Thursday, May 5, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 92, was adopted.

Also:

By Rep. Johnson (Roy):

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Miss Jeanine Williamson of Tuscaloosa, Alabama, our State's 1983 spelling champion; and

WHEREAS, young Miss Williamson, daughter of Mr. and Mrs. Eugene Williamson, is an eighth grade student at Holy Spirit School and represented Tuscaloosa County in the State Spelling Bee in Birmingham; and

WHEREAS, it is further to be noted that Miss Williamson was a participant last year as well, finishing fifth in the State; and

WHEREAS, as this year's top State speller, Jeanine Williamson will represent the State of Alabama in the National Spelling Bee to be held this summer in Washington, D. C. and will be accompanied on the expense-paid trip by one of her parents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Jeanine Williamson of Holy Spirit School in Tuscaloosa, Alabama; we further direct that she receive a copy of this resolution that she and her parents may know of our sincere praise of her accomplishment, and of our deep pride in her as Alabama's Ambassador to the National Spelling Bee in Washington, D. C.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 93, was adopted.

Also:

By Rep. Flowers:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA FERNANDEZ.

WHEREAS, the Alabama Legislature is proud of the accomplishments of the young people of the State of Alabama; and

WHEREAS, the members of the Legislature have pledged themselves to continually strive for the educational growth and development of the State's young adults so that they may accomplish a smooth transition into the State's job market; and

WHEREAS, educational scholarships are a prime source for the higher education of young people; and

WHEREAS, the Miss America Scholarship Foundation is the largest and oldest source of scholarships for young women; and

WHEREAS, Yolanda Teresa Fernandez, a student at Troy State Uni-

versity and the reigning Miss Alabama, was named third runner-up to the reigning Miss America defeating approximately 75,000 contestants in America's largest and oldest scholarship program; and

WHEREAS, Miss Fernandez has brought national attention to Alabama as its official representative of beauty, talent and intelligence indicative of all Alabama women; and

WHEREAS, Miss Fernandez as Miss Alabama has focused state and national attention through the media and public appearances on the importance of educating our young people and, more specifically, utilizing higher education to better prepare today's youth for the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor Yolanda Teresa Fernandez by recognizing her and her many accomplishments; we further express appreciation for her outstanding representation of the State of Alabama at the 1982 Miss America Pageant and at the hundreds of public appearances she makes throughout the State and the United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Miss Fernandez on May 3, 1983, during the 1983 Regular Session of the Alabama Legislature.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 94, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONGTIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

Also:

H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

Also:

H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

Also:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

Also:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

Also:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50th ANNIVERSARY.

Also:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

Also:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSON, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

Also:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

Also:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

Also:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

H. J. R. 38. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

Also:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 48. COMMENDING COACH RAY PERKINS.

Also:

H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

Also:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER

DAY" IN ALABAMA.

Also:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

McDOWELL LEE,
Secretary.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Zoghby, Turner, Kvalheim, Clikas, Gaston, Penry, McMillan, Buskey, Box, Kennedy and Harper:

H. 435. To exempt the Explore Center, Inc., a nonprofit corporation, Mobile, Alabama, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. White (L):

H. 436. To amend section 38-4-1, Code of Alabama 1975, which relates to persons to whom public assistance is payable, so as to include cystic fibrosis patients.

Ways and Means.

By Rep. Campbell:

H. 437. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has a banking office, with the consent and approval of the Superintendent, and to repeal all laws or parts of laws in conflict with this Act, to provide that the provisions of this Act are cumulative, to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Rep. Campbell:

H. 438. Relating to banks and branch banking: With the prior consent of the Superintendent, to permit any bank to establish one or more branches at any location within the limits of any county contiguous to a county within which any banking office of the bank is located and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Rep. Turnham:

H. 439. To provide in addition to benefits now received, a fixed cost-of-living increase to all surviving beneficiaries of members of the Employees' Retirement System of Alabama who become eligible for such benefits prior to October 1, 1982, however, no survivor beneficiary of an employee under the Employees' Retirement System whose benefits are based primarily upon service as an employee of an employer participating under Section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the

provisions of this Act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for repeal of conflicting laws.

Ways and Means.

By Rep. Nicholson:

H. 440. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19 thru 20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Health.

By Reps. Ashley, Starkey, Goodwin and Lauderdale:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractural agreements now in effect.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Boles, Trammell, Lewis and Wright:

H. 442 To amend Section 28-7-16, Code of Alabama 1975, relating to the tax on table wine sales, so as to provide a tax of 49 cents per liter of table wine and to provide for the disposition of the proceeds from such tax; to establish an effective date.

Ways and Means.

By Rep. Moore (With Notice and Proof):

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 443. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Starr:

H. 444. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Local Government.

By Rep. Starr:

H. 445. To amend Section 28-3A-11, Code of Alabama 1975, so as to require lounge retail licensees to obtain the consent of the municipality if the licensed premises are located within the police jurisdiction thereof.

Local Government.

By Rep. Johnson (Roy):

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Health.

By Reps. Harvey, Junkins, Stout and Brakefield:

H. 447. To amend further section 32-5-240 of the Code of Alabama 1975, relating to requirements of lighting equipment and illuminating devices of motor vehicles, so as to provide further requirements under certain conditions for the use of such lighting equipment and illuminating devices.

Highway Safety.

By Rep. Thomas (With Notice and Proof):

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 448, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Biddle:

H. 449. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal, to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this

Act, and to provide for the manner in which it shall become law.

Judiciary.

By Reps. Coleman, Junkins, Newman, Hall, Wright, Browder, and Lauderdale:

H. 450. To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

State Administration.

By Rep. Minus (With Notice and Proof):

H. 451 To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 451, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Waggoner:

H. 452. To provide for regulation of boarding or rooming houses, specifically requiring boarding or rooming houses to comply with standards, hereby prescribed, relative to buildings and facilities used as boarding or rooming houses and for the equipment, maintenance, lighting, ventilating, heating and general safety and sanitary conditions of such boarding or rooming houses, providing for the approval and certification of all such boarding or rooming houses and for the suspension and revocation thereof and prescribing the certification fee; to place certain duties relative to compliance with the standards hereby prescribed on operators of boarding or rooming houses and certain duties relative to the implementation and enforcement of this Act on certain public agencies and on the state department of public health and county health officers; and to prescribe penalties for violations of this Act.

Health.

By Reps. Murphy, Scott, Thornton, and Rice:

H. 453. To provide that persons who are totally disabled shall be admitted free to all state parks.

Natural Resources.

By Rep. Turner:

H. 454. To amend section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based

on charges rather than audited costs.

Health.

By Rep. Minus (With Notice and Proof):

H. 455. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 455, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 456. To create and establish the Mobile County Civil Defense Authority; and to provide for its powers, duties and authority.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 456, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Turner, Kvalheim, Clikas, Zoghby, Penry, McMillan, Box, Gaston, Kennedy, Clark and Harper:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

State Administration.

By Reps. Kvalheim, Zoghby, Turner, Clikas, Gaston, Manley, Junkins, Freeman, Hammett, McMillan, Turnham, Penry, Brooks, Scott, Cosby, Venable, Williams, McKee, Grouby, Bowling, Seibels, Layton, Martin, Mitchell, Waggoner and Lewis:

H. 458. To repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Judiciary.

By Rep. Bennett:

H. 459. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered by a responding state's court in a reciprocal nonsupport case and which are awarded in order to reimburse the Department of Pensions and Security for funds expended by it under public assistance programs, shall be ordered paid directly to the county department of pensions and security or the local district attorney's office.

Judiciary.

By Rep. Richardson (With Notice and Proof):

H. 460. Relating to Jackson County; providing further for the election, terms of office, salaries and expenses of the chairman and members of the Jackson County Commission; and providing that said chairman shall be elected at-large and said commissioners shall be elected from their respective districts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 460, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Wilson:

H. 461. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Insurance.

By Rep. Waggoner:

H. 462. Relating to exemptions from the payment of state and local ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Incorporated, and the Presbyterian Home of Decatur, Incorporated, from the payment of all such state and local taxes, effective October 1, 1983.

Ways and Means.

By Rep. Wilson:

H. 463. To amend Section 36-17-15, Code of Alabama, 1975, relating to the duties of the Treasurer of the State of Alabama, so as to eliminate the requirement that the Treasurer of the State of Alabama clip and cancel all matured and unearned coupons on such coupon bonds of the State of Alabama as may be converted or exchanged into registered bonds of the State of Alabama; deleting the fixed fee now charged by the Treasurer upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds; granting authority to the Treasurer to prescribe regulations respecting the establishment, amount and alteration of such fees as may, in the discretion of the Treasurer, be appropriate and commercially reasonable upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds.

Banking.

By Rep. Wilson:

H. 464. To repeal Section 35-9-83, Code of Alabama 1975, which provides that an eviction action brought under Section 35-9-80 may be removed by the defendant to the circuit court of the county in which the real estate sued for is situated.

Judiciary.

By Rep. Wilson:

H. 465. To amend Section 12-21-8, Code of Alabama 1975, so as to

provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after the expiration of the appeal period or after final disposition of the case; to provide that any civil exhibits not withdrawn may be disposed of by the clerk on or after the expiration of one year from the final disposition of the case; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge immediately following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases may be released to the owner by order of the court, but if not, may be destroyed or disposed of as approved by the district attorney and the trial judge; to further provide that any such exhibits still on hand with the clerk one year after final disposition, as defined herein, may be destroyed or disposed of in accordance with the presiding circuit judge's approval; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party of his right to claim exhibits prior to their disposition as provided herein.

Judiciary.

By Rep. Wilson:

H. 466. The purpose of this bill is to amend Sections 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; to prohibit wage loss by full-time employees required to serve on juries of courts created pursuant to the Constituion and laws of the United States and the State of Alabama; to provide a cause of action against employers for any wrongful deductions in wages as a result of the employee's absence from work for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the $.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Judiciary.

By Rep. Wilson:

H. 467. To provide for the further review of a judge or justice's application for judicial retirement based upon a permanent mental or physical disability by the medical board of the Retirement Systems of Alabama and to provide that the medical board shall make its recommendations to the Chief Justice of the Alabama Supreme Court.

Ways and Means.

By Rep. Wilson:

H. 468. The purpose of this bill is to amend Sections 12-16-34 and 12-16-367, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2

of Title 12, Chapter 16, Code of Alabama 1975.

Judiciary.

By Rep. Wilson:

H. 469. To amend Section 17-10-13, Code of Alabama 1975, so as to provide that the clerk or register shall be disqualified from serving as the absentee election manager only if he or she is a candidate for office with opposition.

Judiciary.

By Rep. Wilson:

H. 470. To repeal Section 6-6-462, Code of Alabama 1975, providing for the payment of costs to a garnishee whose answer is uncontroverted or in controverted cases, when judgment is entered in his favor.

Judiciary.

By Rep. Wilson:

H. 471. To amend § 32-6-18, Code of Alabama 1975, to provide that a person convicted for driving without a license shall be guilty of a traffic infraction and to provide the penalties therefor and to delete subsection (e) providing for the collection, reporting and disposition of fines, penalties and/or forfeitures; to amend § 32-6-19, Code of Alabama 1975, to provide that a person who is convicted of driving while their license is cancelled, suspended or revoked, is guilty of a traffic infraction; to amend §§ 32-6-51 and 32-6-52, Code of Alabama 1975, to provide that operating a motor vehicle without a proper license tag or plate displayed on the rear of such vehicle shall constitute a traffic infraction and to provide the penalty therefor; to amend § 32-6-65, Code of Alabama 1975, to provide that operating a motor vehicle without a current license shall be deemed a traffic infraction; to amend § 32-6-131, Code of Alabama 1975, to provide any person who affixes a special tag or plate on a vehicle other than the one for which it was issued shall be guilty of a traffic infraction and to prescribe the punishment therefor; and to amend § 32-6-219, to provide that operating a vehicle with an expired temporary tag constitutes a traffic infraction and to prescribe the penalty therefor.

Judiciary.

By Rep. Wilson:

H. 472. To provide a procedure for filing and treatment of foreign judgments.

Judiciary.

By Reps. Wilson and Starr:

H. 473. The purpose of this bill is to repeal Section 12-17-99, Code of Alabama 1975, relating to the supplemental salary of the elected deputy circuit clerks and to repeal Section 17-2-8, Code of Alabama 1975, providing for the election of deputy circuit clerks in all counties having more than five circuit judges.

Judiciary.

By Reps. Wilson and Langford:

H. 474. To amend Section 34-29-20 of the Code of Alabama 1975, re-

lating to the powers of the Board of Veterinary Medical Examiners, so as to empower this board to promulgate minimum standards for conducting animal medical clinics staffed by licensed veterinarians.

Health.

By Reps. Gaston, Clikas, Turner, Box, Zoghby, Harper, Clark and Kvalheim (With Notice and Proof):

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board, providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; and providing for the forfeiture of certain funds upon falsification of registration forms.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 475, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Browder, Crow, Bowling, Junkins, Manley, Bennett, Blake, Coleman and Holley:

H. 476. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from $10,000.00 to $20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

Ways and Means.

By Rep. Gaston (With Notice and Proof):

H. 477. Relating to Mobile County; providing further for the use of fireworks in the county.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 477, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Browder, Crow, Bowling, Casey, Junkins, Bennett, Coleman and Holley:

H. 478. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service, to provide further that income withholding orders or orders attaching

assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial constructions.

Judiciary.

By Reps. Faulk and Blakeney:

H. 479. Relating to the responsibility of the distributor for the remittance of certain taxes and reports on certain quantities of diesel fuel sold by certain retail merchants exclusively for off-road or agricultural use and exempting such retail merchants from the requirement of furnishing a bond for the storage, withdrawal from storage or sale of such diesel fuel.

Ways and Means.

By Reps. Browder, Crow, Bowling, Junkins, Bennett, Blake, Coleman and Holley:

H. 480. To amend Sections 15-18-69 and 15-18-71 of the Code of Alabama 1975, as amended, relating to restitution criteria and procedures so as to provide that the District Attorney may represent the victim in judicial proceedings concerning restitution; to provide further that the burden of proof at the restitution hearing be on the party claiming restitution by a preponderance of the evidence; to provide further that the defendant, the District Attorney, or the victim have the right to appeal a restitution order without affecting the conviction or any other aspect of sentencing; and to provide further that the Director of the Department of Corrections adopt and promulgate rules relating to restitution by convicts.

Judiciary.

By Rep. Turner:

H. 481. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalities for violations.

Health.

By Reps. Penry, McMillan, and Blakeney (With Notice and Proof):

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 482, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 483. This bill amends § 40-2-22, Code of Alabama 1975, to require appeals from final assessments of taxes entered by the Department of Revenue shall no longer be triable de novo but shall be subject to the requirements of the Alabama Administrative Procedure Act, §§ 41-22-1, et seq., Code of Alabama 1975.

Judiciary.

By Rep. Reed (With Notice and Proof):

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 484, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Holmes:

H. 485. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

State Administration.

By Reps. Albright, Freeman, Hettinger, Butler, Hall and Brooks:

H. 486. To amend Section 40-9-12, Code of Alabama 1975, which provides exemptions from taxation and licensing for certain charitable, religious and civic organizations, so as to add the Optimist Club of Huntsville to the list of exempt organizations.

Ways and Means.

By Reps. Albright, Freeman, Hettinger, Hall, Butler and Brooks:

H. 487. To exempt the Downtown Rescue Mission, Incorporated, of Huntsville, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Albright (With Notice and Proof):

H. 488. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of li-

censed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether and where the Act will become effective in the county.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 488, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Sasser, Johnson (Roy), Blake, Holley, Blakeney, Laird, Turnham, Waggoner, Moore, Campbell, White (L), Richardson, Minus, Howard, Turner, Owens, Rice, Thomas, Mitchell, Harper and Poole:

H. 489. To amend Sections 12-13-20 and 11-3-4-.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Ways and Means.

By Reps. Sasser, Johnson (Roy), Casey, Blake, Holley, Blakeney, Turnham, Waggoner, Moore, White (L), Richardson, Minus, Howard, Owens, Rice, Thomas, Mitchell, Harper and Poole:

H. 490. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15, and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Ways and Means.

By Reps. Sasser, Johnson (Roy), Casey, Blake, Holley, Blakeney, Turnham, Waggoner, Moore, White (L), Richardson, Minus, Howard, Owens, Rice, Thomas, Mitchell, Harper and Poole:

H. 491. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Ways and Means.

By Rep. Reed:

H. 492. To make a supplemental appropriation to the soil and water conservation committee for the fiscal year ending September 30, 1983.

Ways and Means.

By Reps. Adams, Ford, Bowling, Rice, Manley, Junkins, Stout, Martin, Richardson, White (F), Cosby, Starr, Campbell, Owens, Lewis, Carter, Casey, Turner, Box, Zoghby, Kvalheim, Laird, Clikas, Penry, McMillan, Thomas, Gaston, Buskey, Grouby, Wilson, Venable, Blakeney, Harper,

Johnson (AL), Johnson (RG), Browder, Blake, Albright, Layton, Hammett, Holmes, Butler, Brakefield, Drake, Harvey, Wright, Waggoner, Seibels, Horn, Rogers, Davis, Melton, Howard, Trammell, Goodwin, Scott, Escott, Grimsley, Coburn, Newman, Coleman, Lauderdale, Starkey, Ashley, Freeman, Hettinger, Hall, Brooks, McKee, Reed and Biddle:

H. 493. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

Commerce and Industrial Development.

By Rep. Mitchell:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments.

State Administration.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 95. COMMENDING MR. AND MRS. ELMER HARRIS OF SWEET WATER, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 3. MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

Also:

S. J. R. 4. HONORING THE VOLUNTEERS OF ALABAMA AND OUR NATION.

Also:

S. J. R. 6. MOURNING THE DEATH OF JUDGE BISHOP N. BARRON OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 7. COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.

Also:

S. J. R. 11. MOURNING THE DEATH OF MR. BYRON LEE.

Also:

S. J. R. 12. MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.

Also:

S. J. R. 13. MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

Also:

S. J. R. 16. COMMENDING THE CITY OF HURTSBORO, ALABAMA.

Also:

S. J. R. 27. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

S. J. R. 28. NAMING THE LOCK AND DAM AT JONES BLUFF THE ROBERT F. HENRY LOCK AND DAM.

Also:

S. J. R. 29. COMMENDING MR. MILTON WENDLAND OF AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

Also:

S. J. R. 30. MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 32. COMMENDING MRS. BARBARA CROZIER, MISS WHEELCHAIR AMERICA, 1983.

Also:

S. J. R. 34. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS, STATE 1A BASKETBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hall:

H. R. 96. MOURNING THE DEATH OF MR. ROBERT WILBOURN, JR., OF MADISON COUNTY, ALABAMA.

Also:

By Reps. Richardson and Hall:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway 79 between the point of intersection with U. S. Highway 72 and the intersection 279 in Scottsboro, Alabama, in Jackson County, the "Goodyear Boulevard."

BE IT FURTHER RESOLVED, That the state highway department is hereby directed to erect the appropriate signs designating such portion of highway.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Rep. Harvey:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, Mr. Phillip Williams, Blount County native and a graduate of Pennington High School, has long been involved and deeply committed in service to the citizens of Blountsville and Blount County, Alabama; and

WHEREAS, Mr. Williams is a veteran of five years active duty with the United States Army and he is a Mason and a member of the First Baptist Church of Blountsville; and

WHEREAS, he has been most particularly involved, however, with the Blountsville Volunteer Rescue Squad which he founded in 1981 and which was chartered in June of that year; and

WHEREAS, Mr. Williams, an Emergency Medical Technician, Intermediate Class, is working on his Paramedic designation, and he has received the wholehearted support of his wife Debbie, and EMT-1, throughout the organization, establishment and amazing growth of the Blountsville Volunteer Rescue Squad which now is one of the best-staffed, highest-trained and most efficient in Blount County; and

WHEREAS, as a result of Mr. Williams' dedicated efforts, and those of his wife, and with finances raised through donations and other fund-raising campaigns, the squad has grown from one EMT and two first aid assistants to two EMT-Intermediates, six EMT-1's and three first aid assistants; the squad also boasts an equipped ambulance-type van rescue truck for emergency calls; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Phillip Williams for outstanding community service and for his many contributions to the citizens of Blountsville, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Williams that he and his wife, Debbie, may be aware of our sincere warm praise and utmost regard.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 98, was adopted.

Also:

By Reps. Rains and Coleman:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENTS.

WHEREAS, the Alabama State Council on the Arts and Humanities and the Alabama Congress of Parents and Teachers, Inc., recognize the arts as a vital and enriching segment of children's education; and

WHEREAS, the Sixth Annual Superintendent's Visual Arts Awards are being sponsored by these two organizations to honor Alabama's talented students; and

WHEREAS, the Superintendent's Arts Awards Exhibit being held in the State Capitol is representative of works that have been selected through individual school competitions, which works were then chosen to represent city or county school systems in a statewide competition; and

WHEREAS, Brian Masters, who attends the sixth grade at Alabama Avenue Middle School in Albertville, Alabama, has been selected as the first place winner in the category grades six through 8; and

WHEREAS, Brian Masters, who is the son of Mr. and Mrs. Doug Masters of Albertville, Alabama, is indeed to be congratulated for this outstanding achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend Brian Masters of Albertville, Alabama, and direct that he receive a copy of this resolution in declaration of our sincere praise and of our warm best wishes for every future success.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 99, was adopted.

H. 29 TEMPORARILY POSTPONED

On motion of Rep. Buskey the bill, H. 29, was temporarily postponed.

H. 30 TEMPORARILY POSTPONED

On motion of Rep. Buskey, the bill, H. 30, was temporarily postponed.

H. 31 TEMPORARILY POSTPONED

On motion of Rep. Buskey, the bill, H. 31, was temporarily postponed.

H. 38, 39, 44, 45, 183, 185 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bills, H. 38, 39, 44, 45, 183, and 185, were temporarily postponed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Cosby, Crow, Dutton, Freeman, Gaston, Goodwin, Grimsley, Harper, Hettinger, Johnson (A.L.), Kvalheim, Lauderdale, Layton, McKee, Mitchell, Newman, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Stout, Thomas, Turnham, Waggoner, Warren, Williams and Wilson.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee,

McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Starr, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (L.), Williams, Wilson, Wright and Zoghby.

—81

And the bill:

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Butler, Carter, Casey, Coburn, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Minus, Mitchell, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Turnham, Venable, Warren, White (L.), Williams, Wilson, Wright and Zoghby.

—62

And the bill:

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Reps. Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carothers, Carter, Casey, Clark, Coburn, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Turnham, Venable, Waggoner, White (L.), Williams, Wilson, Wright and Zoghby.

—63

And the bill:

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration

date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Starr, Stout, Thomas, Waggoner, Warren, White (L.), Wilson, Wright and Zoghby.

—65

And the bill:

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clark, Cosby, Crow, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Newman, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Turnham, White (L.), Wilson, Wright and Zoghby.

—62

And the bill:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Crow, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy,

Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Mitchell, Murphy, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Warren, White (L.), Wilson, Wright and Zoghby.

—59

And the bill:

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Coburn, Cosby, Crow, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Newman, Owens, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Turnham, Warren, White (L.), Wilson, Wright and Zoghby.

—66

And the bill:

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Cosby, Crow, Dutton, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Minus, Mitchell, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Thomas, Trammell, White (L.), Wright and Zoghby.

—55

And the bill:

H. 53. (With Amendment): Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, line 22, delete the language ~~probate judge~~ and insert in lieu thereof:

Colbert County Commission

On page 2, delete the following sentence beginning on line 5: ~~For such services, the probate judge shall be entitled to commissions of two and one-half percent (2½%) of all taxes collected.~~

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks Browder, Bryant, Butler, Campbell, Carter, Casey, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Minus, Mitchell, Murphy, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Starr, Stout, Thomas, Trammell, Warren, White (L.), Wilson, Wright and Zoghby.

—59

And the bill, H. 53, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Coburn, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Mathis, Minus, Mitchell, Murphy, Newman, Parker, Penry, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Stout, Thomas, Trammell, Turnham, Warren, White (L.), Wilson, Wright and Zoghby.

—57

And the bill:

H. 327. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment:

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield,

Brooks, Browder, Carter, Casey, Clark, Coburn, Cosby, Crow, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Mathis, Minus, Murphy, Newman, Nicholson, Parker, Penry, Preuitt, Rains, Reed, Rice, Richardson, Scott, Seibels, Starkey, Starr, Stout, Trammell, Turnham, Waggoner, Warren, White (L.), Wilson, Wright and Zoghby.

—59

And the bill:

H. 340. (With Substitute) (With Amendment): To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund and to provide for the judicial training and education fund which is created hereby; to provide for the deposit of monies for the fund with the state treasurer; to provide for annual appropriations from the fund and for expenditures therefrom; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 340, with pending substitute and amendment reported by the Standing Committee on Ways and Means.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund and to provide for the judicial training and education fund which is created hereby; to provide for the deposit of monies for the fund with the state treasurer; to provide for annual appropriations from the fund and for expenditures therefrom; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same - Amount.

The docket fees which shall be collected in civil cases shall be:

(1) ~~Ten~~ Twenty dollars for cases filed on the small claims docket of the district court;

(2) ~~Twenty-five~~ Thirty-eight dollars for cases otherwise filed in the district court;

(3) ~~Thirty-five~~ Fifty-five dollars for cases filed in the circuit court; and

(4) An additional ~~$10.00~~ $15.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same - Distribution.

The docket fees collected in civil cases shall be distributed as follows:

(1) For cases on the small claims docket of the district court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$3.00~~ $7.00 to the state general fund, $5.00 to the county general and $1.00 to the judicial training and education fund;

(2) For other district court cases, ~~$2.00~~ $7.00 to the trial tax fund, ~~$18.00~~ $25.00 to the state general fund, ~~and~~ ~~$5.00~~ to the county general fund, and $1.00 to the judicial training and education fund;

(3) For cases filed in circuit court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$28.00~~ $42.00 to the state general fund, ~~$5.00 to~~ the county general fund, and $1.00 to the judicial training and education fund; and

(4) Ten Dollars of A all sums paid pursuant to subdivision (4) of section 12-~~19-71 shall be paid~~ to the fair trial tax fund, four dollars to the state general fund, and $1.00 to the judicial training and education fund."

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-73. Circuit and district court defendant service fees.

(a) The following defendant service fees shall be collected in civil cases in circuit court and district court:

(1) For each defendant in excess of one, where personal service is required, there shall be collected a service fee of ~~$5.00~~ $7.00. For each nonresident defendant there shall be collected a service fee ~~of $5.00~~ $7.00, except where service is by publication or by registered mail, not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

(b) The defendant service fees collected in civil cases shall be distributed as follows: The first ~~$2.00~~ $3.00 of each service fee shall be paid to the county general fund, $1.00 shall be paid to the judicial training and education fund, and the balance of each service fee shall be paid to the state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance ~~service~~ of witness subpoenas a fee of ~~$2.00~~ $4.00 shall be collected for each

subpoena.

(b) Subpoena fees collected in civil cases shall be distributed three-fourths to the county general fund and one-fourth to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) ~~Nine~~ Eleven dollars for attachment;

(2) ~~Nine~~ Eleven dollars for garnishment; and

(3) ~~Five~~ Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) ~~Six~~ Seven dollars of the attachment fee to the state general fund; and $3.00 of the attachment fee to the county general fund; and $1.00 of the attachment fee to the judicial training and education fund;

(2) ~~Six~~ Seven dollars of the garnishment fee to the state general fund; and $3.00 of the garnishment fee to the county general fund; and $1.00 of the garnishment fee to the judicial training and education fund; and

(3) ~~Three~~ Four dollars of the execution fee to the state general fund; and $2.00 of the execution fee to the county general fund; and $1.00 of the execution fee to the judicial training and education fund."

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"12-19-171. Amount of docket fees in juvenile and criminal cases in circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

(a) Traffic infraction	~~$22.50~~	$37.50
(b) ~~Execution~~ Issuance of alias writ	~~5.00~~	10.00
(c) Misdemeanor-Violation	~~35.00~~	55.00
(d) Felony guilty plea	~~77.00~~	102.00
(e) Preliminary hearing	~~10.00~~	15.00
(f) Bond forfeiture	~~15.00~~	25.00

(2) Circuit court:

(a) Execution of alias writ	~~$15.00~~	$20.00
(b) Misdemeanor	~~35.00~~	55.00
(c) Felony	~~77.00~~	102.00
(d) Bond forfeiture	~~15.00~~	25.00

(3) Docket fees for cases in the juvenile division of the district court or circuit shall be assessed at ~~$25.00~~ $40.00 and to shall be distributed as ~~docket fees for civil cases in the district court~~ follows: $7.00 to the fair trial tax fund, $17.00 to the state general fund, ~~$10.00~~ to the county general fund, $1.00 to the judicial training and education fund and $5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of ~~$2.00~~ $4.00 shall be collected for the ~~issuance service and return~~ of each witness subpoena. The subpoena fee shall be distributed three-fourths to the county general fund and one-fourth to the state general fund.

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

§ 12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction	~~$22.50~~	$37.50
(2) Execution of alias writ	~~$5.00~~	10.00
(3) Other ordinance violations	~~35.00~~	55.00
(4) Bond forfeiture	~~15.00~~	25.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases."

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-173. Distribution of docket fees - Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $12.00 to the state general fund; ~~and~~ ~~$5.00~~ to the county general fund; and $1.00 to the judicial training and education fund."

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-174. Same - Felony cases in circuit court.

The following distribution shall be made of docket fees for felony cases in circuit court: $10.00 to the peace officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $34.00 to the state general fund; ~~$5.00~~ to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; ~~and~~ $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund; and $1.00 to the judicial training and education fund."

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby

amended to read as follows:

"§ 12-19-175. Same - Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $17.00 to the state general fund; $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; ~~and~~ $5.00 to the peace officers' annuity fund; $5.00 to the peace officers' standards and training fund; and $1.00 to the judicial training and education fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in traffic or conservation cases."

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-176. Same - Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: $10.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $34.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; ~~and~~ $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $10.00 to the peace officers' standards and training fund; and $1.00 to the judicial training and education fund.

Section 12. Section 12-19-177, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-177. Same - Preliminary hearings in district court.

The docket fee collected in circuit court for preliminary hearings in district court shall be remitted to the state general fund, except that $1.00 shall be remitted to the judicial training and education fund."

Section 13. Section 12-19-178, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-178. Same - Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: $5.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $17.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; ~~and~~ $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; $5.00 to the peace officers' standards and training fund; and $1.00 to the judicial training and education fund, provided however, that the $5.00 provided herein for the peace officers' standards and training fund shall not be assessed and collected in conservation cases."

Section 14. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-179. Same - Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic

infractions in district court: $1.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; $1.00 to the driver education fund; ~~$8.00~~ $17.00 to the state general fund; $3.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; ~~and, as provided by law,~~ $2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees; and $1.00 to the judicial training and education fund.

(b) Fees for execution of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district court, $2.00 to the county general fund; ~~and $3.00~~ $7.00 to the state general fund: and $1.00 to the judicial training and education fund: writs issuing from circuit court, $5.00 to the county general fund; ~~and $10.00~~ $14.00 to the state general fund, and $1.00 to the judicial training and education fund.

Section 15. Section 12-19-250.1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-19-250.1. Imposition of additional fee on every case; charge and collection; distribution to fair trial tax fund.

(a) In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, ~~district and circuit~~ courts of the state of Alabama in which the fair trial tax is collected as provided by law, an additional $5.00 shall be assessed by the clerk ~~or register~~ of the court or by the judge of such court, if there is no clerk ~~or register~~, as costs in each case.

(b) The $5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

~~(c) All receipts from the $5.00 fee prescribed shall be distributed to the fair trial tax fund as provided in section 12-19-251, and shall be in addition to all other receipts presently paid into said fund as provided by law.~~

~~(d) Notwithstanding the provisions of this section,~~ The fees charged and collected in the municipal courts pursuant to the provisions of this section shall be distributed in accordance with the provisions of section 12-19-251.1

Section 16. Section 12-19-24, Code of Alabama 1975, entitled "Additional court fees in criminal and juvenile cases," is hereby expressly repealed.

Section 17. The "judicial training and education fund" is hereby established under the management and control of the chief justice. All fees provided in this Act that are payable to the judicial training and education fund shall be assessed by the clerk or register of the court in each proceeding and shall be charged and collected as other costs are charged and collected.

Section 18. When the fees provided in the Act for the "judicial training and education fund" are collected, the clerk or register of the court shall remit such sums monthly to the state treasury to be paid into such fund.

Section 19. There is hereby appropriated from the "judicial training and education fund" annually, such amount as may be necessary to pay such expenses as are authorized by law or rule for all matters relating to the continuing education of trial and appellate court judges, clerks, registers, and other court support personnel and for such other projects as may be

directed by the chief justice that promote and improve the administration of justice in this state.

Section 20. Excepted as provided in this section, any unexpended and unencumbered balance remaining in the judicial training and education fund at the close of the state's fiscal year shall be retained in the judicial training and education fund and may be used in future years for the payment of all expenses authorized in Section 19 of this Act. Provided, however, any balance in said fund in excess of One Million Dollars ($1,000,000.00) at the close of any quarter during the state's fiscal year shall revert to the state general fund.

Section 21. Except for law library fees, the fees and costs prescribed in this Act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts.

Section 22. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a bond is forfeited and the result of the forfeiture is a final disposition case on or after the effective date of this Act.

Section 23. All laws or parts of laws in conflict herewith are hereby repealed.

Section 24. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 25. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion of Rep. Manley to table the substitute offered by Rep. Holley to the bill, H. 340, with pending substitute and amendment reported by the Standing Committee on Ways and Means, was lost.

Yeas 41; Nays 48.

Yeas:

Reps. Blakeney, Boles, Brooks, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Faulk, Flowers, Gaston, Grimsley, Hammett, Howard, Junkins, Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Martin, Mathis, Murphy, Newman, Owens, Preuitt, Rains, Richardson, Scott, Seibels, Starkey, Starr, Stout, Thornton, Warren, White (F), White (L), Williams and Wright.

—41

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Ford, Freeman, Goodwin, Hall, Harper, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Kennedy, Langford, Lauderdale, Layton, Melton, Minus, Moore, Parker, Poole, Rice, Rogers, Smith, Thomas, Tucker, Turnham, Venable, Waggoner, Wilson and Zoghby.

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REPORT OF THE STANDING COMMITTEE

ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONGTIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

Also:

H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

Also:

H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

Also:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

Also:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

Also:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

Also:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

Also:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSON, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

Also:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

Also:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

Also:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

H. J. R. 38. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

Also:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25th ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 48. COMMENDING COACH RAY PERKINS.

Also:

H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55th WEDDING ANNIVERSARY.

Also:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

Also:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

H. 340 RESUMED

SUBSTITUTE MOTION OFFERED

Rep. Venable offered the substitute motion to temporarily postpone the bill, H. 340, with the substitute offered by Rep. Holley, to the pending sub-

stitute and amendment reported by the Standing Committee on Ways and Means.

MOTION TO TABLE LOST

The motion offered by Rep. Holley to table the substitute motion offered by Rep. Venable, was lost.

Yeas 47; Nays 50.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Hall, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Layton, Martin, Minus, Mitchell, Moore, Nevett, Nicholson, Parker, Poole, Reed, Rice, Rogers, Smith, Starkey, Thomas, Thornton, Tucker, Waggoner and Wilson.

—47

Nays:

Reps. Ashley, Blakeney, Boles, Brooks, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Crow, Faulk, Flowers, Gaston, Grimsley, Grouby, Harper, Harvey, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan Manley, Mathis, Melton, Murphy, Newman, Owens, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Stout, Turner, Turnham, Venable, Warren, White (F.), White (L.), Williams, Wright and Zoghby.

—50

The question was then on the motion by Rep. Venable to temporarily postpone the bill H. 340, with the substitute offered by Rep. Holley, to the pending substitute and amendment offered by the Standing Committee on Ways and Means and the motion was adopted.

Yeas 58; Nays 38.

Yeas:

Reps. Albright, Ashley, Blakeney, Boles, Brooks, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Howard, Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Murphy, Newman, Owens, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wright and Zoghby.

—58

Nays:

Mr. Speaker, Bennett, Biddle, Blake, Box, Brakefield, Bryant, Buskey, Casey, Clark, Coburn, Davis, Drinkard, Escott, Ford, Freeman, Hall, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Layton, Minus, Mitchell, Moore, Nevett, Nicholson, Parker, Poole, Reed, Rice, Thomas, Tucker, Turner and Wilson.

—38

And the bill:

H. 287. (With Substitute) (With Amendment): To amend § 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-85, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-21-85. The provisions of this article shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in division 1 of article 1 of chapter 23 of this title, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this article by reference the provisions of Sections 40-23-7 40-23-8 through 40-23-23, 40-23-25 and 40-23-27 through 40-23-32, together with the definitions applicable to said sections contained in Section 40-23-1; provided, that in the event of the repeal of such division, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this article by reference, unless the legislation providing for such repeal shall clearly indicate such a result. The taxes herein levied shall be due and payable as follows:

"(1) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was less than $10,000 during the preceding calendar year shall remit such taxes in accordance with Section 40-23-7.

"(2) Any taxpayer liable for taxes under the provisions of this division whose average monthly tax liability was $10,000 or greater during the preceding calendar year shall make estimated payments to the revenue department on or before the 20th day of the month in which the liability occurred.

"(a) The amounts of the payment shall be at least equal to the taxpayer's actual tax liability for the same calendar month of the preceding year.

"(b) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of its final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the 20th of the month next succeeding the month in which the tax accrues. The provisions of Section 40-23-7 shall apply to the filing of the monthly tax liability report."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 4. This Act shall become effective October 1, 1983.

And the substitute was adopted.

Yeas 73; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Owens, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—73

Nays: Reps. Lewis and Manley. —2

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 287, as amended, said amendment being as follows:

Amend H. B. 287 as Substituted on page 2, Section 1, (2), line 34, by adding the following:

(c) In those instances where a taxpayer due to divestiture compliance with a lawful order of a court of competent jurisdiction, or the sale of a portion of the business on which said tax is applicable, where such divestiture compliance or sale reduces the gross revenues of the taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months following such divestiture compliance or sale the monthly estimated tax liability and shall consider among others, the financial historical data and the percentage of divestiture or sale of said business of the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section 1, (2), (b).

(d) In those instances where there is no preceding calendar year for purposes of determining the tax liability of any taxpayer, the Commissioner of Revenue shall determine for a period of twelve (12) months the monthly estimated tax liability for the taxpayer. Following the twelve (12) month period, taxes shall be remitted in accordance with Section (1), (2), (b).

And the amendment was adopted.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Box, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Gaston, Goodwin, Grimsley,

Grouby, Hall, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rice, Richardson, Rogers, Seibels, Smith, Starr, Thomas, Thornton, Turner, Turnham, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—70

Nay: Rep. Johnson (Roy). —1

And the bill:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams and Zoghby.

—86

H. 340 RESUMED

The question was then on the substitute offered by Rep. Holley to the bill H. 340, with pending substitute and amendment reported by the Standing Committee on Ways and Means, and which was previously temporarily postponed.

And the substitute was lost.

Yeas 42; Nays 44.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coleman, Davis, Dutton, Escott, Goodwin, Hall, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Melton, Minus, Mitchell, Moore, Nevett, Parker, Poole, Reed, Rice, Rogers, Smith, Thomas, Tucker, Wilson and Zoghby.

—42

Nays:

Reps. Adams, Blakeney, Boles, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Crow, Faulk, Flowers, Gaston, Grimsley, Grouby, Harvey, Johnson

(R.G.), Junkins, Laird, Lauderdale, Lewis, McKee, McMillan, Mathis, Murphy, Newman, Nicholson, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starkey, Stout, Thornton, Turner, Waggoner, Warren, White (F.), White (L.), Williams and Wright.

—44

The question was then on the adoption of the substitute to the bill, H. 340, reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-71, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-71. Same - Amount.

The docket fees which shall be collected in civil cases shall be:

(1) ~~Ten~~ Twenty dollars for cases filed on the small claims docket of the district court;

(2) ~~Twenty-five~~ Thirty-eight dollars for cases otherwise filed in the district court;

(3) ~~Thirty-five~~ Fifty-five dollars for cases filed in the circuit court; and

(4) An additional ~~$10.00~~ $15.00 to be paid at the time the jury is demanded by any party demanding a jury."

Section 2. Section 12-19-72, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-72. Same - Distribution.

The docket fees collected in civil cases shall be distributed as follows:

(1) For cases on the small claims docket of the district court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$3.00~~ $8.00 to the state general fund, and ~~$5.00~~ to the county general fund;

(2) For other district court cases, ~~$2.00~~ $7.00 to the trial tax fund, ~~$18.00~~ $26.00 to the state general fund and ~~$5.00~~ to the county general fund;

(3) For cases filed in the circuit court, ~~$2.00~~ $7.00 to the fair trial tax fund, ~~$28.00~~ $43.00 to the state general fund, and ~~$5.00~~ to the county general fund; and

(4) Ten dollars of ~~A~~ all sums paid pursuant to subdivision (4) of section 12-19-71 shall be paid to the fair trial tax fund, and five dollars to the state general fund."

Section 3. Section 12-19-73, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-73. Circuit and district court defendant service fees.

(a) The following defendant service fees shall be collected in civil cases in circuit court and district court:

(1) For each defendant in excess of one, where personal service is required, there shall be collected a service fee of ~~$5.00~~ $7.00. For each nonresident defendant there shall be collected a service fee of ~~$5.00~~ $7.00, except where service is by publication or by registered mail, not to be cumulative with the service fee for multiple defendants. This service fee shall be paid at the time of filing; except, that prepayments shall not be required if the court finds that payment of such fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

(2) Where notice by publication or registered mail is used, the actual cost shall be collected before publication as a service fee at the outset of the case.

(b) The defendant service fees collected in civil cases shall be distributed as follows: The first $2.00 of each service fee shall be paid to the county general fund and the balance of each service fee shall be paid to the state general fund."

Section 4. Section 12-19-74, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-74. Circuit and district court fee for service of witness subpoenas.

(a) In civil cases in circuit court and district court, for the issuance ~~service~~ of witness subpoenas a fee of ~~$2.00~~ $3.00 shall be collected for each subpoena.

(b) Subpoena fees collected in civil cases shall be distributed two thirds to the county general fund and one third to the state general fund."

Section 5. Section 12-19-75, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-75. Circuit and district court attachment, garnishment and execution fees.

(a) In civil cases in circuit court and district court there shall be collected a fee for the initiation of each of the following postjudgment proceedings: attachment, garnishment and execution. The fee for such proceeding shall be paid at the time the proceeding is initiated.

(b) The amounts of the postjudgment fees shall be as follows:

(1) ~~Nine~~ Eleven dollars for attachment;

(2) ~~Nine~~ Eleven dollars for garnishment; and

(3) ~~Five~~ Seven dollars for execution.

(c) The postjudgment fees collected in civil cases shall be distributed as follows:

(1) ~~Six~~ Eight dollars of the attachment fee to the state general fund; and $3.00 of the attachment fee to the county general fund;

(2) ~~Six~~ Eight dollars of the garnishment fee to the state general fund; and $3.00 of the garnishment fee to the county general fund; and

(3) ~~Three~~ Five dollars of the execution fee to the state general fund; and $2.00 of the execution fee to the county general fund."

Section 6. Section 12-19-171, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-171. Amount of docket fees in juvenile and criminal cases in circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

(1) District Court:

(a) Traffic infraction	~~$22.50~~	$ 37.50
(b) Execution of alias writ	~~5.00~~	10.00
(c) Misdemeanor	~~35.00~~	55.00
(d) Felony guilty plea	~~77.00~~	102.00
(e) Preliminary hearing	~~10.00~~	15.00
(f) Bond forfeiture	~~15.00~~	25.00

(2) Circuit court:

(a) Execution of alias writ	~~$15.00~~	$ 20.00
(b) Misdemeanor	~~35.00~~	55.00
(c) Felony	~~77.00~~	102.00
(d) Bond forfeiture	~~15.00~~	25.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at ~~$25.00~~ $40.00 and to shall be distributed as ~~docket fees for civil cases in the district court~~ follows: $7.00 to the fair trial tax fund, $18.00 to the state general fund, $10.00 to the county general fund, and $5.00 to the peace officers' standards and training fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of ~~$2.00~~ $3.00 shall be collected for the issuance ~~service and return~~ of each witness subpoena. The subpoena fee shall be distributed two thirds to the county general fund and one third to the state general fund."

Section 7. Section 12-19-172, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

(1) Traffic infraction	~~$22.50~~	$37.50
(2) Execution of alias writ	~~5.00~~	10.00
(3) Other ordinance violations	~~35.00~~	55.00
(4) Bond forfeiture	~~15.00~~	25.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor

cases."

Section 8. Section 12-19-173, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-173. Distribution of docket fees - Cases in circuit and district courts in which bond forfeited.

The following distribution shall be made of docket fees in cases where the defendant forfeits bond in either the district court or circuit court: ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $13.00 to the state general fund; and ~~$5.00~~ to the county general fund."

Section 9. Section 12-19-174, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-174. Same - felony cases in circuit court.

The following distribution shall be made of docket fees for felony cases in circuit court: $10.00 to the peace officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $35.00 to the state general fund; ~~$5.00~~ to the county general fund; an arrest fee of $5.00 to the state general fund or to the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; ~~and~~ $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; and $10.00 to the peace officers' standards and training fund."

Section 10. Section 12-19-175, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-175. Same - Misdemeanor cases in circuit court.

The following distribution shall be made of docket fees for misdemeanors in circuit court: ~~$2.00~~ $7.00 to the fair trial ~~tax~~ fund; ~~$8.00~~ $18.00 to the state general fund; $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; ~~and~~ $5.00 to the peace officers' annuity fund; and $5.00 to the peace officers' standards and training fund."

Section 11. Section 12-19-176, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-176. Same - Felony guilty pleas in district court.

The following distribution shall be made of docket fees for felony guilty plea cases in district court: $10.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$25.00~~ $35.00 to the state general fund; $5.00 to the county general fund; an arrest fee of $5.00 to the state general fund or the state funds prescribed by law; except, that in cases initiated by county law enforcement officers, the arrest fee shall be distributed to the county general fund; and $30.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; and $10.00 to the peace officers' standards and training fund."

Section 12. Section 12-19-177, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-177. Same - Preliminary hearings in district court.

The docket fee collected in circuit court for preliminary hearings in district court shall be remitted to the state general fund."

Section 13. Section 12-19-178, Code of Alabama 1975, is hereby

amended to read as follows:

"Section 12-19-178. Same - Misdemeanor cases in district court.

The following distribution shall be made of docket fees for misdemeanor cases in district court: $5.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; ~~$8.00~~ $18.00 to the state general fund; $5.00 to the county general fund; an arrest ~~fee of~~ $5.00 to the state general fund or to the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; ~~and~~ $10.00 to the district attorney fund or to the fund prescribed by law for district attorney fees; and $5.00 to the peace officers' standards and training fund."

Section 14. Section 12-19-179, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-19-179. Same - Traffic infractions in district court.

(a) The following distribution shall be made of docket fees for traffic infractions in district court: $1.00 to the police officers' annuity fund; ~~$2.00~~ $7.00 to the fair trial tax fund; $1.00 to the driver education fund; ~~$8.00~~ $18.00 to the state general fund; $3.00 to the county general fund; an arrest ~~fee of~~ $5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and, ~~as provided by law,~~ $2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees.

(b) Fees for execution of alias writs from circuit and district courts shall be distributed as follows: writs issuing from district court, $2.00 to the county general fund; and ~~$3.00~~ $8.00 to the state general fund; writs issuing from circuit court, $5.00 to the county general fund; and ~~$10.00~~ $15.00 to the state general fund."

Section 15. Except for law library fees, the fees and costs prescribed in this Act for circuit and district courts shall be exclusive of all other fees and costs that are prescribed by general law for such courts.

Section 16. The fees and costs provided herein shall be assessed and collected in all civil cases or proceedings filed on or after the effective date of this Act and in all criminal cases wherein the defendant is adjudicated guilty or pleads guilty or where a bond is forfeited and the result of the forfeiture is a final disposition case on or after the effective date of this Act.

Section 17. All laws or parts of laws in conflict herewith are hereby repealed.

Section 18. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 19. This Act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 86; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler,

Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L.), Williams, Wilson, Wright and Zoghby.

—86

Nays: Reps. Brooks, Johnson (A.L.), Owens, Reed and White, (F). —5

The question was then on the adoption of the amendment to the bill, H. 340, as amended, reported by the Standing Committee on Ways and Means, said amendment being as follows:

Amend the Substitute to House Bill 340 on page 3, line 18 by deleting "$3.00" and inserting in lieu thereof the figure "$4.00"

Further amend the Substitute to House Bill 340 on page 3, line 21 by deleting the words "two-thirds" and inserting in lieu thereof the words "three-fourths".

Further amend the Substitute to House Bill 340 on page 3, line 21 by deleting the words "and one-third to the state general: and inserting in lieu thereof "and one-fourth to the state general".

Further amend the Substitute to House Bill 340 on page 5 on line 8 by deleting "$3.00" and inserting in lieu thereof the figure "$4.00".

Further amend the Substitute to H. B. 340 on page 5, line 10 by deleting the line in its entirety and inserting in lieu thereof the words "distributed three-fourths to the county general fund and one-fourth to the state".

Further amend the Substitute to H. B. 340 on page 8, line 9 by deleting Section 15 in its entirety and inserting in lieu thereof the following new sections:

"Section 15. Section 12-19-250.1, Code of Alabama 1975, is hereby amended to read as follows:

"12-19-250.1. Imposition of additional fee on every case; charge and collection; distributing to fair trial tax fund.

(a) In each and every criminal or quasi-criminal case and every civil action docketed in the municipal, ~~district and circuit~~ courts of the state of Alabama in which the fair trial tax is collected as provided by law, an additional $5.00 shall be assessed by the clerk or ~~register~~ of the court or by the judge of such court, if there is no clerk or ~~register~~, as costs in each case.

(b) The $5.00 fee prescribed herein shall be charged and collected as other costs are charged and collected and shall be cumulative with and in addition to all other court costs, fees, or taxes imposed by law.

~~(c) All receipts from the $5.00 fee prescribed shall be distributed to the fair trial tax fund as provided in section 12-19-251 and shall be in addition to all other receipts presently paid into said fund as provided by law.~~

~~(d) Notwithstanding the provisions of this section, t~~ The fees charged and collected in the municipal courts pursuant to the provisions of this section shall be distributed in accordance with the provisions of section 12-19-

251.1.

Section 16. Section 12-19-24, Code of Alabama 1975, entitled "Additional court fees in criminal and juvenile cases," is hereby expressly repealed."

Further amend the Substitute to House Bill 340 on page 8, line 12 by deleting "Section 16." and inserting "Section 17."

Further amend the Substitute to H. B. 340 on page 8, line 18 by deleting "Section 17." and inserting "Section 18."

Further amend the Substitute to House Bill 340, on page 8, line 20 by deleting "Section 18." and inserting "Section 19."

Further amend the Substitute to H. B. 340, on page 8, line 23 by deleting "Section 19." and inserting "Section 20."

Further amend the Substitute to House Bill 340 on page 3, line 10 by deleting the figure "$2.00" and inserting in lieu thereof the figure "$3.00".

And the amendment was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Ford, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Rice, Richardson, Sasser, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (L.), Williams, Wilson, Wright and Zoghby.

—79

Nay: Rep. Brooks. —1

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill H. 340, as amended, said amendment being as follows:

Amend H. B. 340 as Substituted on page 4 by deleting the figure "$37.50" on line 29 and inserting in lieu thereof the figure "$22.50".

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Holmes to the bill 340, as amended, was tabled.

Yeas 46; Nays 25.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Butler, Carter, Casey, Clark, Coleman, Crow, Dutton, Faulk, Flowers, Goodwin, Harvey, Hettinger, Holley, Johnson (A.L.), Johnson (Roy), Junkins, Laird, Lauderdale, Layton, McMillan, Martin, Minus, Moore, Murphy, Newman, Parker, Penry, Poole, Reed, Rice, Richardson, Scott, Seibels, Smith,

Starkey, Venable, Waggoner, Wilson, Wright and Zoghby.

—46

Nays:

Reps. Bryant, Clikas, Coburn, Cosby, Davis, Escott, Grimsley, Grouby, Hall, Horn, Howard, Lewis, McKee, Melton, Owens, Rogers, Sasser, Starr, Thornton, Tucker, Turner, Warren, White (F.), White (L.) and Williams.

—25

And the bill:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 15.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Poole, Preuitt, Reed, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Turnham, Waggoner, White (L.), Williams, Wilson, Wright and Zoghby.

—79

Nays:

Reps. Brooks, Clikas, Cosby, Gaston, Hall, Harvey, Hettinger, Lewis, McKee, Manley, Owens, Rains, Richardson, Warren and White (F.).

—15

And the bill:

H. 242. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ended September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter,

Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Waggoner, Warren, White (L.), Williams, Wilson, Wright and Zoghby.

—87

And the bill:

H. 393. (With Amendment): To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills and resolutions affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Was taken up.

The question was then on the adoption of the amendment to the bill, H. 393, reported by the Standing Committee on Ways and Means, said amendment being as follows:

Amend House Bill 393 on page 1, lines 8, 15 and 23 by deleting the words "and resolutions".

Further amend House Bill 393 on page 1, line 31 by deleting the words "or resolutions."

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—93

And the bill:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Williams, Wilson, Wright and Zoghby.

—96

And the bill:

H. 244. To further amend §§ 40-18-42, 40-18-80, 40-18-82 and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

Was taken up.

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 244:

H. 244 is hereby amended as follows:

Synopsis: After the word "corporations" on line 12 add the following: This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating loss.

This bill is further amended by adding a new section following Section 40-18-83 on line 32, page 11:

Section 40-18-86. Carry forward of net operating losses.

1. In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed $1,000,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall

be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than fifteen years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

This bill shall be further amended to include the following:

Section 6, line 33, page 11 changed to Section 2.

Section 7, line 35, page 11 changed to Section 3.

Section 8, line 7, page 12 changed to Section 4.

MOTION TO INDEFINITELY POSTPONE

The motion offered by Rep. Coburn to indefinitely postpone the bill, H. 244, with pending amendment, was lost.

Yeas 38; Nays 55.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Boles, Bowling, Brakefield, Buskey, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Harvey, Holley, Horn, Howard, Junkins, Kennedy, Laird, Langford, Lauderdale, Parker, Reed, Rogers, Smith, Starkey, Stout, Thornton, Trammell, Tucker and Williams.

—38

Nays:

Reps. Bennett, Biddle, Blakeney, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Turner, Turnham, Venable, Waggoner, Warren, White (F.), White (L.), Wilson, Wright and Zoghby.

—55

REPORT FILED

Final Report on the Interim Committee on Finances and Budgets was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

Also:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY

TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

Also:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

Also:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 91. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Johnson, (Roy), that the House adjourn until Thursday, May 5, was lost.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

Also:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

Also:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

Also:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

H. 244 RESUMED

On motion of Rep. Cosby, the bill, H. 244 with pending amendment, was temporarily postponed in order to consider Senate Messages.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole and Menton:

S. J. R. 36. COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 36, the title of which is set out in the above and foregoing message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:00 P. M. on May 3, 1983.

H. J. R. 6
H. J. R. 10
H. J. R. 11
H. J. R. 15
H. J. R. 16
H. J. R. 22
H. J. R. 23
H. J. R. 24
H. J. R. 28
H. J. R. 34
H. J. R. 35
H. J. R. 36
H. J. R. 38
H. J. R. 39
H. J. R. 43
H. J. R. 44
H. J. R. 48
H. J. R. 49
H. J. R. 54
H. J. R. 55
H. J. R. 59

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Minus and pursuant to the resolution, H. R. 92, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 5, 1983.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 5, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Wayne Burns, Pastor, of the Eastdale Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it as carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Waggoner, leave of absence was granted for Rep. Biddle.

RESOLUTIONS

The following resolution was introduced:

By Rep. Johnson, (Roy):

H. J. R. 100. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 5, 1983, we adjourn to meet again on Tuesday May 10, 1983.

On motion of Rep. Johnson, (Roy), the rules were suspended and the resolution, H. J. R. 100, was adopted.

Also:

By Rep. Johnson, (Roy):

H. R. 101. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 5, 1983, we adjourn

to meet again on Tuesday, May 10, 1983, at 1:00 p.m.

On motion of Rep. Johnson, (Roy), the rules were suspended and the resolution, H. R. 101, was adopted.

Also:

By Rep. Carothers:

H. J. R. 102. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee, created by Act 81-307, is hereby authorized to extend its reporting date to the Fifteenth Legislative Day.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 102, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 247. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay and transferring title to the State of Alabama.

H. 398. To amend Section 2-14-14, Code of Alabama 1975, providing for the designation of the state apiarist and declaring the powers of the office so as to provide further for said office.

H. 375. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

H. 376. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 117. (With Substitute): To allow the Commissioner of Agriculture and Industries to appoint no more than four executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for three assistants and salary range No. 79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

Rep. Langford, Chairman of the Standing Committee on Judiciary, re-

ported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 196. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5, § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52, § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

H. 151. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

H. 402. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

H. 249. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, and provides that the board of pardons and paroles shall have no power to grant a pardon or restore civil and political rights until all court-ordered restitution has been made.

H. 246. To provide that a Restitution Order in a criminal case is a Final Judgement and has the same force and effect as a Final Judgement in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have the same rights and remedies given to a plaintiff in a civil action pursuant to Title 6, Chapter 6 of the Code of Alabama, 1975, as well as any other right pertaining to such restitution order or the enforcement or collection thereof, as may be provided by law.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 297. (With Substitute) (With Amendment): To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution.

To further provide that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense.

To further provide that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill.

To further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 362. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Coastal Area Board as provided in Sections 9-7-10 through 9-7-22, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

H. 99. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 396. (With Substitute): To authorize any two or more post-secondary institutions of higher education supported in whole or in part by state appropriations and operating as a non-profit or public corporation under the laws of the State of Alabama.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 219. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

H. 134. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

H. 300. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres of less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a)

relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 154. (With Substitute): To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a pubilc corporation, but subject to existing leases and other contractural agreements now in effect.

The above bill was read a second time at length as required by the Constitution.

H. 110. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Rep. Albright, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 106. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties

of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

H. 149. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price, to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Rep. Davis, acting Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

H. 391. To further provide for the mode of execution whenever any person is sentenced to death and such person has made a notice of intent to make a gift of all or part of his body under the provisions of the Alabama Uniform Anatomical Gift Act.

Rep. Rice, acting Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 199. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Rep. Rice, acting Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 320. (With Substitute): This bill amends Sections 22-21-20, 22-21-24 and 22-21-27 of Code of Alabama, 1975, by expanding the definition of Hospitals, to include home health agencies and provides for an exception with reference to county or district health departments. Additionally, provides for expansion of the Advisory Board.

Rep. Rice, acting Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 417. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

H. 418. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of $500.00.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 344. (With Substitute): To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-7, 16-10-8, 16-10-9 and 16-10-10, Code of Alabama, 1975, and to amend Sections 16-10-5 and 16-10-11, Code of Alabama, 1975, so as to abolish the office of school trustees.

H. 409. (With Substitute): To amend Section 16-60-88 of the Code of Alabama 1975 relating to determination of location of trade schools and junior colleges so as to provide that such determination be subject to approval of the legislature.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 296. (With Amendments): To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee com-

pletes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 303. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

H. 453. To provide that persons who are totally disabled shall be admitted free to all state parks.

H. 301. To amend Section 9-11-53, Code of Alabama 1975, relating to annual resident fishing licenses, so as to delete the requirement of said licenses for residents of this state over 65 years of age and to require in place thereof proof of age and permanent residence to be on said persons while fishing.

H. 42. To amend Section 9-2-65 of the Code of Alabama 1975 relating to powers and duties of game and fish wardens, so as to prescribe regulations pertaining to such wardens electing to retain their commissions upon retirement.

H. 68. To amend section 9-12-82, Code of Alabama 1975, relating to commecial versus noncommercial collection of oysters.

H. 62. To repeal Sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91 and 9-12-114 Code of Alabama 1975 which provides for seven separate licenses required by seafood processors and dealers and to create a separate Dealer/Processor license costing $175.00.

H. 61. To establish September 30 as the expiration date for all licenses issued pursuant to Chapter 12 (Marine Resources) of Title 9 of the Code of Alabama (1975), as amended.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 317. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

H. 493. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code

of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 377. (With Amendments): To amend Section 41-16-27 and Section 41-16-50, Code of Alabama 1975, relating to competitive bidding by public agencies and entities, so as to provide for residential bidder preference.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Substitute): To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 148. (With Amendment): To amend Section 39-1-1, Code of Alabama, 1975 to exempt contractors performing contracts of less than $10,000.00 in amount from advertising requirements and to authorize final settlements without delay, of such contracts upon completion and full compliance with the terms of the said contract.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 227. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

H. 444. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

H. 445. To amend Section 28-3A-11, Code of Alabama 1975, so as to require lounge retail licensees to obtain the consent of the municipality if the licensed premises are located within the police jurisidiction thereof.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 423. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 169. To amend section 32-5-240 of the Code of Alabama 1975 relating to required lighting equipment of vehicles so as to require that such equipment be put in operation during periods when rain, mist or other precipitation, including snow, necessitates the constant use of windshield wipers by motorists.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Moore:

H. 495. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

State Administration.

By Rep. Ford:

H. 496. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Banking.

By Rep. Flowers:

H. 497. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Health.

By Rep. Hall:

H. 498. To amend Section 41-17-1, Code of Alabama 1975, relating to standards of state-owned motor vehicles, so as to exempt the Revenue Department from certain standards.

State Administration.

By Reps. Hall and Butler (With Notice and Proof):

H. 499. Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 499, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Rogers, Davis, Escott, Thornton, Bennett, Horn, Seibels, Wright, Melton, Scott, Murphy, and Howard:

H. 500. To exempt the Help One Another Club, Inc., of Birmingham, Alabama, from the payment of all state, county, and municipal sales and use taxes.

Ways and Means.

By Rep. Campbell:

H. 501. To increase the annual license fee for each office, branch or place of business of a small loan licensee pursuant to Code of Alabama 1975, Section 5-18-5, or by a licensee engaged in the business of making consumer loans or taking assignments of consumer credit contracts pursuant to Code of Alabama 1975, Section 5-19-22. The license fee shall be $300 plus $15 per $100,000, or fraction thereof, on any amounts in excess of $100,000 of the gross outstanding receivables of each licensee as of August 31 of each year. The license fee shall in no case exceed $1200. To provide that fifty percent of such license fees collected shall be paid into the special fund provided by Section 5-2A-20 and used in the supervision and examination of such licensee; to provide that the provisions of Sections 5-18-5 and 5-19-22 in conflict herewith are amended; to provide for severability; to provide that all laws or parts of law in conflict herewith are hereby repealed; and to provide an effective date.

Small Business.

By Rep. Cosby:

H. 502. To require boards of education to defend certain school officials in cases where civil action is brought against them for acts committed in the performance of their duties.

Ways and Means.

By Rep. Cosby:

H. 503. To amend Section 40-9-12, Code of Alabama 1975, which provides for exemptions from ad valorem taxation, so as to include the Martin-

Carver School Association within the exemptions.

Ways and Means.

By Rep. Dutton (With Notice and Proof):

H. 504. To provide for a special recording fee of $1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 504, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Wilson, Starr, Zoghby, McKee and Rains:

H. 505. To be known as the "Long-Term Care Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to resolve complaints made by or for older persons in long-term care facilities and to certify community ombudsmen; to provide for the selection, training and duties of community ombudsmen; to require the cooperation of other state agencies and their employees; to establish procedures for receiving and resolving complaints; to require that these procedures be posted; to repeal conflicting laws; and to provide an effective date.

Health.

By Reps. McMillan, Turnham, Owens, Manley, Johnson (Al), Kvalheim, Waggoner, Penry, Brooks, Butler, Clark, Gaston, Adams, Rice, Moore, Cosby, Blakeney, Clikas, Carothers, Carter, Rains, White (L), Wright, Layton, Box, Ford, Harvey, Mathis, Johnson (RG), Stout, Flowers, Starr, Faulk, Venable, Harper, Minus, Grouby, Seibels, Junkins, Bennett, Zoghby, Campbell, White (F), Wilson, Hall and Turner:

H. 506. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authoritze the State Department of Education to establish a selection process for the teacher-of-the-year program; to establish a special fund of five thousand dollars ($5,000.00) to be set aside within the budget of the State Department of Education, which fund shall be known as the teacher-of-the-year award; and to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Education.

By Reps. Turnham, Johnson (Al) and Rice (With Notice and Proof):

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 507, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham:

H. 508. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

State Administration.

By Rep. Campbell:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Small Business.

By Rep. Casey:

H. 510. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Judiciary.

By Rep. Rice (With Notice and Proof):

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 511, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Manley, Johnson (Roy), Minus, Ford, Rogers, Davis, Harvey, Howard, Trammell, Blakeney, Owens, Campbell, Cosby, Layton, Wright, Junkins, Blake, Waggoner, Preuitt, Brakefield, Drinkard, Kvalheim, Zoghby, Venable, Grouby, Starr, Boles, Laird, Moore, Murphy, Newman, Bennett, Turner, Box, Gaston, McMillan, Harper and Payne:

H. 512. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the

existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Public Utilities and Transportation.

By Rep. Smith (With Notice and Proof):

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 513, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Warren:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Kennedy, Clark, Turner, Buskey, Warren, Bryant, Ford, Preuitt, Nicholson, Drinkard, Parker, Poole, Howard, Melton, Davis, Rogers, Horn, Thornton and Crow:

H. 515. Relating to intercepting or monitoring of customer telephone communciations; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for viola-

tions under this act.

Judiciary.

By Reps. Nicholson, Junkins, Newman, Parker, Dutton, Kennedy, Starkey, Ashley, Trammell, Layton, Wright, Boles, Casey, Freeman, Blake, Coleman, White (F), Williams, Mathis, Bowling and Brakefield:

H. 516. To amend Section 36-25-9, Code of Alabama 1975, which provides for service on regulatory boards regulating business with which the member of the board is associated, so as to provide further for such service.

State Administration.

By Rep. Buskey:

H. 517. To amend Section 32-9-1, 32-9-20 and 32-9-25, Code of Alabama 1975, relating to vehicle size and weight.

Highway Safety.

RESOLUTIONS

The following resolutions were introduced:

By Rep. White, L.:

H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

WHEREAS, in a desire to recognize outstanding achievement by the youth of Alabama, the Alabama Legislature today expresses high commendation of the 1982-83 Dadeville High School "Sound of Gold" Majorettes; and

WHEREAS, in July 1982, Dadeville High School Majorettes Cile Williams, Janna Evers, Cindy Gibson, Susan Clanton and Shannon Barron traveled to the Corps of Marching Band Camp in Jacksonville, Alabama, where they made the Semi-Finals; and

WHEREAS, Head Majorette Cile Williams and the "Sound of Gold" group again brought great honor to their school and community by capturing the top award among Class A Majorette competitors at the Hoover Invitational Festival this past October; they also, in October, were rated "Superior" by judges of the Heart of Dixie Festival in Prattville, Alabama; and

WHEREAS, it is further to be noted with utmost praise that the Dadeville High School "Sound of Gold" Majorettes were invited, along with the rest of the band, to participate in the Festival of Music Invitational Marching Competition where, on April 22, they were selected as Best Overall Majorettes in competition with those of ten other bands; the Dadeville High School Band, Alabama's only representative, placed third in the invitational judging; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations to the Dadeville High School "Sound of Gold" Majorettes, and to the Dadeville High School Band, on their outstanding accomplishments.

BE IT FURTHER RESOLVED, That in expression of our sincere commendation, a copy of this resolution shall be provided for appropriate display at Dadeville High School.

On motion of Rep. White, L., the rules were suspended and the resolu-

tion, H. J. R. 103, was adopted.

Also:

By Reps. Bennett, Crow, Browder, Casey and Campbell:

H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.

WHEREAS, The 1983 Jacksonville State University Baseball Team finished its regular season with a 34-5 record winning the Gulf South Conference Championship, and

WHEREAS, Coach Rudy Abbott's Gamecocks are headed for their 10th NCAA Division II Playoffs in 14 years, and

WHEREAS, JSU, currently ranked third in the nation, defeated Valdosta State of Georgia 11-3 to win its fourth conference championship since 1973, and

WHEREAS, Coach Abbott, who was named "Coach of the Year" for his team's efforts, has won the honor four times previously, and

WHERAS, Abbott won his 400th coaching victory earlier this season with a 13-5 win over Alabama Christian and now holds a career won-loss record of 407-155, and

WHEREAS, Abbott has had 32 JSU players sign professional contracts and his teams have either won or finished second in its conference 10 of the last 14 years, and

WHEREAS, JSU has the best winning percentage among college teams in Alabama this season and in attendance, only the University of Alabama outdraws the Gamecocks on a regular basis; now therefore,

BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, does hereby extend its heartiest congratulations to Coach Rudy Abbott and the entire 1983 Gamecock Baseball Team for its excellent showing and winning tradition, and

BE IT FURTHER RESOLVED, That copies of this resolution be sent with our sincerest appreciation and best hopes for a national crown to Head Coach Rudy Abbott and Jacksonville State President Theron Montgomery.

On motion of the Rep. Bennett, the rules were suspended and the resolution, H. J. R. 104, was adopted.

Also:

By Reps. Rice, Penry, McMillan, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren,

White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

WHEREAS, in commitment to, and as an initial step toward preparing Alabama and its citizens for a leading role in the high technology era that is upon us, the Governor's and Legislature's Conference on High Technology and Economic Development was held April 28, 1983, at the Von Braun Civic Center in Huntsville; and

WHEREAS, assembled for the conference were more than 50 speakers—federal, state and local officials, business and industrial leaders, and education administrators—to offer guidance and recommendations regarding economic developmet programs necessary to prepare our state for the coming high technology and industrial boom; and

WHEREAS, the Madison County Legislative Delegation served as the coordinating force behind the conference, an assignment which required untold hours of preparation, scheduling and other arrangements; this arduous task, however, was handled to perfection by our colleagues from Madison County, and their efforts were rewarded by the tremendous success of the conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation, we most highly commend the Madison County Delegation and all those so instrumentally involved with the Governor's and Legislature's Conference on High Technology and Economic Development, and therefore justly due credit for the success of the program.

On motion of Rep. Rice, the rules were suspended and the resolution, H. J. R. 105, was adopted.

Also:

By Rep. Minus:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. George Frank Williams, Jr., of York, Alabama, is a 1978 graduate of Sumter Academy where he excelled in academics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Williams is currently attending Livingston University where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives, and in such organizations as the Owen Love Business Association, Blue Key National Honor Fraternity and the Task Force for the Southern Association of Colleges and Schools, among others; and

WHEREAS, Mr. Williams has been most particularly active with the Livingston University Interfraternity Council as a past treasurer, secretary and vice president, and currently as president; with the University SGA as Freshman and Junior Senator, treasurer and in other capacities; and with his social fraternity, Pi Kappa Phi, which he currently serves as Archon

(president) and is a former Historian, Secretary, Vice-Archon and Social Chairman; and

WHEREAS, involved as well in service to the community, Mr. Williams was a member of the 1980 Community Calico Chorus, served as Chairman of the 1981-82 Sumter County Red Cross Blood Drive and as chairman of the 1982 County Toys for Tots Campaign, he also was fraternity representative on the 1982 Cleaner Sumter County Committee and was Volunteer of the 1981 Sumter County Heart Fund Campaign; and

WHEREAS, Mr. Williams' awards include two consecutive Clyde Davis Memorial Awards for Outstanding Brother of the Year, Gamma Alpha Chapter of Pi Kappa Phi, and he is the fraternity's national selection for Outstanding Student of the Year; his bibliographical recognitions are listings in Who's Who Among Students in American Universities and Colleges, International Youth in Achievement, Personalities of the South, and Outstanding Young Men of America, 1982-1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. George Frank Williams, Jr., of York, Alabama, for outstanding achievement and for distinguished service to Livingston University and the community.

BE IT FURTHER RESOLVED, That Mr. Williams receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 106, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 107. COMMENDING CLARENCE N. ANDERSON.

Also:

By Rep. Langford:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

WHEREAS, the attorney-members of the Alabama legislature not only are cognizant of, but are participants in, the drafting, hearing and debates as well as the voting on all the laws of this state; and

WHEREAS, the Clerk of the House and the Secretary of the Senate also are active participants therein; and

WHEREAS, the purposes, goals and efficacy of such rules for mandatory continuing legal education are to inform members of the bar about the existence and language of the laws which the attorney-legislators, Clerk of the House and Secretary of the Senate, in many instances, have designed or perfected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we do respectfully urge the chief justice and associate justices of the Alabama Supreme Court, or a majority of them, pursuant to their rule-making powers, to exempt each current and future legislator-attorney, the Clerk of the House and the Secretary of the Senate if they be attorneys, from its rules for mandatory continuing legal education for the respective terms of their respective offices, or for so long as they shall serve as members of the Alabama legislature, or their respective offices.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution shall be sent to the Chief Justice and the associate justices so that they may consider our petition.

On motion of Rep. Langford, the rules were suspended and the resolution, H. J. R. 108, was adopted.

Also:

By Rep. Gaston:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

WHEREAS, in keeping with the promotion of the month of May as Better Hearing and Speech Month, it is both appropriate and desirable that the Alabama Legislature recognize Mrs. Sandra Alford McGraw of Mobile, Alabama, for her leadership in communicating to the public information regarding hearing, speech and language disorders which comprise our nation's number one disability; and

WHEREAS, Mrs. McGraw is serving as co-chairman of the Mobile Speech and Hearing Association's campaign which strives to inform citizens that communicative impairment can be helped—medically, surgically, through use of hearing aids or by rehabilitative methods; and

WHEREAS, Mrs. McGraw, a Mobile Speech-Language Pathologist, is a graduate of Auburn University with a B.S. Degree in Speech Pathology and Audiology, and she also holds a Master's Degree from Our Lady of the Lake in San Antonio, Texas; at Lady of the Lake she was the outstanding graduate student in Communication Disorders, and at Auburn was listed in Who's Who; and

WHEREAS, Mrs. McGraw and the Mobile Speech and Hearing Association are indeed deserving of utmost praise for their efforts in promoting early detection, proper treatment, prevention and greater understanding of hearing, speech and language impairment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Sandra Alford McGraw for her leadership in Mobile County in service to the speech, language and hearing impaired.

BE IT FURTHER RESOLVED, That in appreciation for said outstanding service, a copy of this resolution shall be provided for presentation to Mrs. McGraw.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 109, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD

FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

WHEREAS, Mr. Fulford has given a year of outstanding leadership to the Jaycees serving as 1982-83 President, and

WHEREAS, Mr. Fulford has been serving the Mobile area through this organization since 1972, and

WHEREAS, Mr. Fulford has also served as president and chairman of the Board of the Mobile Azalea Trail, a major project of the Mobile Jaycees, and

WHEREAS, Mr. Fulford has been honored by his fellow members by being voted as Chairman of the Board of the Mobile Jaycees for 1983-84, and

WHEREAS, Mr. Fulford is also active in many other civic organizations, such as America's Jr. Miss, Mobile United Way, Captain in the U. S. Army Reserves and past president of the University of South Alabama Alumni Association, and

WHEREAS, Mr. Fulford's accomplishments have been recognized time and time again in being selected as Outstanding Young Men of America in 1974, Personalities of the South in 1976, and Who's Who in Politics in 1978, and

WHEREAS, Mr. Fulford is an active member of the Dauphin Way Baptist Church where he serves as 9th grade Sunday School Director, and

WHEREAS, his excellent service has made a great contribution to the Mobile Jaycees and to the City of Mobile and his lifestyle of concern and dedication is greatly admired,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both Houses concurring in recognition of William J. "Happy" Fulford's outstanding achievements, service and dedication to the Mobile Jaycees in serving as President of this organization,

Be it further resolved, that a copy of this resolution be provided to Mr. Fulford.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 110, was adopted.

Also:

By Reps. Wilson, Starr and McKee:

H. J. R. 111. COMMENDING MR. JOHN WALTER STOWERS, CHAIRMAN OF THE BOARD, BIRMINGHAM BASEBALL CLUB, INC.

WHEREAS, John Walter Stowers has held ownership since October 1978 in the Detroit Tigers Class AA Minor League Baseball Franchise and currently serves as Chairman of the Board of the Birmingham Baseball Club, Inc.; and

WHEREAS, a long time Montgomery resident and prominent civic leader, Mr. Stowers in October 1978 organized a local group to purchase the Montgomery Rebels Baseball team from out-of-state interest, thereby saving professional baseball in the State of Alabama; and

WHEREAS, in November 1980, Mr. Stowers, Tabor R. Novak, Jr., and Howard Vickers joined with a group from Birmingham and moved the Montgomery Rebels to Birmingham, Alabama, where they are known as the

Birmingham Barons; and

WHEREAS, the Birmingham Barons are the only professional baseball team in the State of Alabama; and

WHEREAS, in the past two years professional baseball has provided entertainment to close to one-half million baseball fans in the state; and

WHEREAS, John Walter Stowers has been instrumental in keeping professional baseball in the State of Alabama which is an important part of the state's economy providing jobs and attracting revenue to the community; and

WHEREAS, without the efforts of Mr. Stowers the State of Alabama would be without professional baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. John Walter Stowers of Montgomery, Alabama, for his outstanding contribution to professional baseball in the State of Alabama; we further congratulate him on the success of the Birmingham Barons and direct that he receive a copy of this resolution in small token of our warm praise and esteem.

On motion of Rep. Wilson, the rules were suspended and the resolution, H. J. R. 111, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rogers:

H. R. 112. COMMENDING THE JEFFERSON COUNTY COMMITTEE FOR ECONOMIC OPPORTUNITY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Waggoner:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply grieved by the death of Mr. R. Julian Lackey of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, a native of Goodwater, Alabama, Mr. Lackey was the son of Rufus Manning Lackey, a former member of the Alabama Legislature, and his wife, Beatrice Colvard Lackey; he attended Shades Cahaba High School, Gulf Coast Military Academy and the University of Alabama where his social fraternity was Phi Delta Theta; and

WHEREAS, Mr. Lackey, who was a United States Army veteran of World War II, was Chairman of the Board and President of Ridout's Brown Service, Incorporated, which operates eleven funeral homes, a vault company and two florists in the State of Alabama; and

WHEREAS, as one of our state's most prominent businessmen, Mr. Lackey was further distinguished in service as an involved citizen in numerous civic, charitable and community affairs; and

WHEREAS, he was active in the programs and projects of the American Red Cross, the American Cancer Society, United Appeal, Boy Scouts of America, and with several youth programs throughout the City of Birmingham; and

WHEREAS, Mr. Lackey's numerous memberships included the Monday Morning Quarterback Club, Crippled Children's Foundation, Rotary Club, Exchange Club, Touchdown Club, the Alabama Sight Conservation Advisory Board, and Saint Luke's Episcopal Church of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA ɜAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. R. Julian Lackey of Birmingham, Alabama, and extend our very deepest sympathy to his daughters: Mrs. Ladie Bea Falkenburg, Mrs. Carleton Real and Miss Averette F. Lackey; to his son, Mr. R. Julian Lackey, Jr., and other family members whose sorrow we share and to whom copies of this resolution shall be sent in expression of our concern for them in their time of such deep grief.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Waggoner:

H. R. 114. COMMENDING MISS TERRI LYNN HASSELL, MISS AUBURN UNIVERSITY, 1983.

Also:

By Reps. McKee, Stout, Richardson and Rains:

H. J. R. 115. WHEREAS, the members of the Group Alabama have brought favorable recognition to our great state by adopting its beloved name, and

WHEREAS, they have received numerous awards from the entertainment world for their outstanding success, and

WHEREAS, their music is listened to and appreciated by millions, and

WHEREAS, they have rendered unselfish service in behalf of many humanitarian causes, and

WHEREAS, they have set outstanding examples for the young people of this state and nation, and

WHEREAS, they have served for two years as honorary national membership chairmen for the Congress of Parents and Teachers, generously sharing their time and good fortunes with parents, teachers and especially our school children; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Group Alabama for being exemplary citizens and goodwill ambassadors of the great State of Alabama.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 115 was adopted.

LEAVES OF ABSENCE

At the request of Rep. Venable leave of absence was granted for Rep. Hammett.

At the request of Rep. Waggoner, leave of absence was granted for Rep. Mitchell.

At the request of Rep. Payne, leave of absence was granted for Rep. Lewis.

RESOLUTION

The following resolution was introduced:

By Rep. Langford:

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

WHEREAS, the Alabama legislature has recognized that many qualified and competent citizens of this state must remain employed while pursuing a legal education; and

WHEREAS, the Alabama Legislature recognizes that three long established legal institutions of this state, namely: Birmingham School of Law, Miles College School of Law and Jones Law Institute have maintained high standards of excellence for its students who must remain employed while pursuing a legal education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully urge the chief justice and associate justices of the Alabama Supreme Court, or a majority of them, pursuant to their rule-making powers, to allow any current graduate and future graduates of Birmingham School of Law, Miles College School of Law and Jones Law Institute to be admitted to be examined at any state bar examination provided such graduate is duly certified by the proper officials of such institutions as having satisfactorily completed the legal training requirements of the respective institutions and meets all other requirements, and upon passage of such state bar examination allow such person into the practice of law upon meeting all other requirements therefor.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution shall be sent to the Chief Justice and the associate justices so that they may consider our petition.

On motion of Rep. Langford, the rules were suspended and the resolution, H. J. R. 116, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 91. Relative to legislative meeting date Thursday, May 5, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote, of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business.

And the bill, H. 244, which was temporarily postponed with pending amendment offered by Rep. Waggoner, on the fifth legislative day, was taken up.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment No. 1., offered by Rep. Waggoner, to the bill, H. 244, was tabled.

Yeas 54; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Moore, Parker, Penry, Poole, Reed, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Tucker, Turner, White (F) and Williams.

—54

Nays:

Reps. Bennett, Blakeney, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Grouby, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Martin, Minus, Murphy, Newman, Nicholson, Owens, Payne, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L.), Wilson, Wright and Zoghby.

—41

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment No. 2, to the bill, H. 244, said amendment being as follows:

H. 244 is hereby amended as follows:

Synopsis: After the word "corporations" on line 12 add the following: This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating loss.

This bill is further amended by adding a new section following Section 40-18-83 on line 32, page 11:

Section 40-18-86. Carry forward of net operating losses.

1. In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed $1,000,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1984 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than ten years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

This bill shall be further amended to include the following:

Section 6, line 33, page 11 changed to Section 2.

Section 7, line 35, page 11 changed to Section 3.

Section 8, line 7, page 12 changed to Section 4.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment No. 2, offered by Rep. Waggoner, to the bill, H. 244, was tabled.

Yeas 51; Nays 41.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Mathis, Melton, Moore, Parker, Poole, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, White (F) and Williams.

—51

Nays:

Reps. Bennett, Blakeney, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Grouby, Harper, Hettinger, Johnson (A.L.), Johnson

(R.G.), Kvalheim, Layton, McKee, McMillan, Manley, Martin, Minus, Murphy, Newman, Nicholson, Owens, Payne, Preuitt, Rains, Richardson, Sasser, Scott, Starr, Venable, Waggoner, Warren, White (L.), Wilson, Wright and Zoghby.

—41

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment No. 3, to the bill, H. 244, said amendment being as follows:

H. 244 is hereby amended as follows:

Synopsis: After the word "corporations" on line 12 add the following: This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating loss, for corporations qualifying to do business in the State of Alabama, after 12-31-83.

This bill is further amended by adding a new section following Section 40-18-83 on line 32, page 11:

Section 40-18-86. Carry forward of net operating losses.

1. In computing the net income of domestic and foreign corporations qualifying to do business in the State of Alabama after 12-31-83 and subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed $1,000,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deduction allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than fifteen years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

This bill shall be further amended to include the following:

Section 6, line 33, page 11 changed to Section 2.

Section 7, line 35, page 11 changed to Section 3.

Section 8, line 7, page 12 changed to Section 4.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment No. 3, offered by Rep. Waggoner, to the bill, H. 244, was tabled.

Yeas 53; Nays 40.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Moore, Parker, Poole, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, White (F) and Williams.

—53

Nays:

Reps. Bennett, Blakeney, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Grouby, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Martin, Minus, Murphy, Newman, Nicholson, Owens, Payne, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—40

AMENDMENT OFFERED

Rep. Brooks, offered the following amendment to the bill, H. 244, said amendment being as follows:

H. 244 is hereby amended as follows:

Synopsis: After the word "corporations" on line 12 add the following: This bill will also allow as a deduction for corporate income tax purposes limited carry forward (but no carry back) of corporate net operating loss.

This bill if further amended by adding a new section following Section 40-18-83 on line 32, page 11:

Section 40-18-86. Carry forward of net operating losses.

1. In computing the net income of domestic and foreign corporations subject to income tax as outlined in Section 40-18-35, there shall be allowed; in addition to the deductions specified in sub section (1) - (13) inclusive, thereof; a deduction for the sum of the net operating losses which may be carried forward to the taxable year for which the net income of the corporation is being computed, provided that the deduction under this subdivision shall not exceed $500,000 in any taxable year.

a. The term "net operating loss" for purposes of this section means the excess of the deductions (other than the deductions allowed by this subdivision) allowed by this chapter during a taxable year of the corporation which begins after December 31, 1983 over the corporation's gross income during such taxable year. For purposes of this paragraph, the corporation's gross income and allowable deductions shall be determined under the provisions of this chapter applicable to the year in which the net operating loss arises.

b. A net operating loss shall be carried forward to the earliest subsequent year in which the corporation has net income (determined without taking into account the deduction allowed by this subdivision). The amount

of a net operating loss which may be carried to any later taxable year shall be the excess of the net operating loss over the sum of the amounts thereof deductible under this subdivision in all the taxable years preceding this taxable year, except that no net operating loss may be carried forward to and deducted in a taxable year that begins more than ten years after the first day of the taxable year in which it was incurred.

c. If net operating losses arising in more than one year can be carried to a taxable year of the corporation, the net operating loss arising from the earliest of such years shall be deducted first.

This bill shall be further amended to include the following:

Section 6, line 33, page 11 changed to Section 2.

Section 7, line 35, page 11 changed to Section 3.

Section 8, line 7, page 12 changed to Section 4.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Brooks, to the bill, H. 244, was tabled.

Yeas 51; Nays 42.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Moore, Parker, Poole, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, White (F) and Williams.

—51

Nays:

Reps. Bennett, Blakeney, Box, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Gaston, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Martin, Murphy, Newman, Nicholson, Owens, Payne, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L), Wilson, Wright and Zoghby.

—42

And the bill:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 30.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Coleman,

Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Manley, Mathis, Melton, Minus, Moore, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Venable, White (F), Williams and Wright.

—64

Nays:

Reps. Bennett, Blakeney, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Gaston, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Kvalheim, McKee, McMillan, Martin, Murphy, Newman, Payne, Rains, Sasser, Seibels, Starr, Waggoner, Warren, White (L), Wilson and Zoghby.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S. J. R. 56. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in depth audit be made of the affairs of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teacher's Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of the secretary of the senate and the clerk of the house and four members who shall be appointed from the legislature. The speaker of the house shall appoint two members and the lieutenant governor shall appoint two members from the house and the senate respectively.

The members of the committee shall serve without pay or compensation.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the state of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any re-

ports connected therewith shall be filed with the committee, the speaker of the house and the lieutenant governor as soon as practical.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 56, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 5, the title of which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Teague and deGraffenried:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

WHEREAS, many residents of the State of Alabama are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS, many residents of the State of Alabama are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the fu-

ture; and

WHEREAS, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future.

NOW THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate of the State of Alabama, that it is the sense of the Legislature of the State of Alabama that the Members of Congress representing the State of Alabama should actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983.

SENATE MESSAGE

The resolution S.J.R. 38, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Amari, Bishop, Parsons, Cooley, Mitchem, deGraffenried, Little, Bedsole, Proctor, Barron, Bedford, Smith (B), Covington, Dixon, and Aldridge:

S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.

Also:

By Senator Goodwin:

S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 45, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Res-

olutions and sends same herewith to the House for its consideration:

By Senators Menton and Bedsole:

S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.

Also:

By Senator Harrison:

S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

Also:

By Senators Bedsole, Menton, Figures, and Boyington:

S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

Also:

By Senator Menton:

S. J. R. 50. CONGRATULATIONS TO COACH EDDIE STANKY ON HIS RETIREMENT AS BASEBALL COACH AT UNIVERSITY OF SOUTH ALABAMA.

Also:

By Senators Goodwin, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Coley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J) and Teague:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution; S. J. R. 42, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Ford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 48, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 49, S. J. R. 50 and S. J. R. 61, the titles of which are set out in the above and foregoing message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Carter, Butler, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers,

Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

WHEREAS, National Police Memorial Day is a day that is set aside to honor law enforcement officers slain in the line of duty and this year will be held on May 15, 1983; and

WHEREAS, State Trooper David E. Temple was killed on September 13, 1979, on Alabama Highway 20 in Limestone County, while attempting to stop a suspect driving a stolen car; and

WHEREAS, Trooper Temple was one of the finest law enforcement officers in the State and he gave his life to protect the lives of the citizens of Limestone County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Alabama Highway 20 in Limestone County from the Morgan County line to the Madison County line, the "State Trooper David E. Temple Memorial Highway."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said road.

RESOLVED FURTHER, That the family of Trooper Temple receive a copy of this resolution as a memento of this honorary designation.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 117, was adopted.

POINT OF PERSONAL PRIVILEGE

Rep. Nevett requested that the Journal note that had he been present at the time the vote was taken on the bill H. 244, that he would have voted Aye.

H. 394 RECOMMITTED

At the request of Rep. Campbell, the Speaker recommitted the bill, H. 394, to the Standing Committee on Banking.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Coleman, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk,

Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 118. MEMORIALIZING CONGRESS TO PASS THE HOUSING FINANCE OPPORTUNITY ACT OF 1983.

WHEREAS, the Alabama Legislature created the federally tax exempt Alabama Housing Finance Authority by Act No. 80-585 in the Regular Session of 1980 for the purpose of providing financing to enable persons of low and moderate income to acquire decent, safe and sanitary housing through coordination and cooperation with private industry and local communities; and

WHEREAS, since 1980 the tax exempt Alabama Housing Finance Authority has purchased some $450 million of eligible mortgages thus providing mortgage financing for over 4,500 Alabamians who otherwise may have never been able to realize the American Dream of owning their own homes; and

WHEREAS, the sale of $450 million of mortgage revenue bonds has brought over $229,400,000 new dollars into Alabama thus providing a significant stimulus to our state's economy while retarding the unemployment levels in the construction industry; and

WHEREAS, similar programs in 46 other states provided approximately $8 billion worth of such mortgages in 1982, which provided financing for over 150,000 first time homebuyers alone; and

WHEREAS, the federal government has deemed the mortgage revenue bond program unworthy of a tax exemption after December 31, 1983, thus terminating such programs as the Alabama Housing Finance Authority after December 31, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge Alabama's Congressional Delegation to support the Housing Finance Opportunity Act of 1983 which would remove the December 31, 1983, sunset date on the tax exemption of such mortgage revenue bond programs.

BE IT FURTHER RESOLVED, That the Alabama Legislature believes that cancellation of this type of program may stymie the recovery of the Housing Industry.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, Secretary of the United States Department of the Treasury, and all members of the Alabama Congressional Delegation.

On motion of Rep. Coleman, the rules were suspended and the resolution, H. J. R. 118, was adopted.

Also:

By Rep. Poole:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

WHEREAS, the City of Aliceville has hosted the Alabama Marbles Championship Tournament for two consecutive years; and

WHEREAS, the Alabama Marbles Championship Tournament has been conducted in a professional and appropriate manner; and

WHEREAS, the Alabama Marbles Championship Tournament provides recreation and fun for both young and old of the State of Alabama; and

WHEREAS, the City of Aliceville and the Aliceville Area Chamber of Commerce are committed to continuing and improving this tournament; and

WHEREAS, it is both fitting and proper that the Alabama Legislature commend the citizens of Aliceville for their contributions to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize the City of Aliceville, in Pickens County, as the official site of the Alabama Marbles Championship Tournament.

BE IT FURTHER RESOLVED, That this resolution be entered into the records of the Alabama Legislature and that a copy of same shall be presented to the City of Aliceville.

On motion of Rep. Poole, the rules were suspended and the resolution, H. J. R. 119, was adopted.

MOTION TO RECOMMIT H. 493

Rep. Poole offered the motion to recommit the bill, H. 493 to the Standing Committee on Commerce and Industrial Development.

MOTION TO RECOMMIT TABLED

On motion of Rep. Adams, the motion offered by Rep. Poole to recommit the bill, H. 493, was tabled.

Yeas 68; Nays 11.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blake, Boles, Bowling, Box, Brakefield, Buskey, Butler, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Laird, Layton, McKee, McMillan, Manley, Mathis, Moore, Nevett, Newman, Nicholson, Owens, Penry, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Venable, White (F), White (L), Williams, Wilson and Wright.

—68

Nays:

Reps. Bryant, Clark, Holley, Johnson (Roy), Kvalheim, Langford, Minus, Poole, Rains, Smith and Warren.

—11

BILLS ON THIRD READING

And the bill:

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Cosby, Crow, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Johnson (A.L.), Kvalheim, McMillan, Mathis, Minus, Moore, Murphy, Nevett, Penry, Rice, Richardson, Sasser, Scott, Seibels, Starr, Thomas, Tucker, Turner, Venable, White (L), Williams and Wright.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 30. To provide an additional expense allowance for the coroner of Washington County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Cosby, Crow, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Langford, McMillan, Mathis, Minus, Moore, Nevett, Newman, Nicholson, Parker, Penry, Poole, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L), Williams and Wright.

—53

And the bill:

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 to the 1978 Regular Session, so as to provide further for the compensation of poll workers.

Was read a third time at length and passed, and ordered sent forthwith

to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Cosby, Crow, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Langford, McMillan, Minus, Moore, Nevett, Newman, Nicholson, Parker, Penry, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, White (L) and Williams.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 38 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, H. 38, was temporarily postponed.

And the bill:

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session to provide further for an expense allowance for members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brooks, Browder, Bryant, Butler, Carter, Casey, Clark, Cosby, Crow, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, McMillan, Minus, Moore, Nevett, Newman, Nicholson, Parker, Penry, Poole, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L) and Williams.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 44, H. 45 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bills, H. 44 and H. 45, were temporarily postponed.

H. 183 RESUMED

Having been temporarily postponed on the fifth legislative day, the bill, H. 183, was taken up.

And the bill:

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clark, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Langford, McMillan, Martin, Moore, Nevett, Newman, Owens, Parker, Penry, Poole, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L), Williams and Wilson.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clark, Cosby, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Kennedy, Kvalheim, McMillan, Martin, Moore, Nevett, Newman, Nicholson, Parker, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Turner, Venable, White (F), White (L), Williams and Wilson.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

POINT OF PERSONAL PRIVILEGE

Rep. Kennedy would like to be recorded as abstaining on the vote to recommit the bill H. 493.

BILLS ON THIRD READING RESUMED

And the bill:

H. 316. (With Amendment): Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Department to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1., said amendment being as follows:

Amend H. B. 316, Section 2, page 2, line 35, after the word and period "act." by inserting the following:

The Jackson County Association of Volunteer Fire Departments is hereby authorized to operate the Fire Marshal Office of Jackson County on an amount of The Fire Tax Fund not to exceed 3% of the tax collected. The Jackson County Association of Volunteer Fire Departments is further authorized to establish a budget for the expenditure of the Fire Tax Funds which budget is to be passed by a 4/5ths majority of the Association Departments present.

Also, in Section 2, page 3, lines 11 and 12, delete the following: ~~that have been approved by the Jackson County Association of Volunteer Fire Departments~~

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Brakefield, Brooks, Browder, Butler, Carter, Casey, Cosby, Crow, Drinkard, Escott, Faulk, Freeman, Gaston, Goodwin, Hall, Hettinger, Johnson (R.G.), McMillan, Minus, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Venable, White (F), White (L), Williams and Wilson.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 316, as thus amended, was read a third time at length

and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Goodwin, Hall, Hettinger, Johnson (R.G.), Johnson (Roy), Kennedy, McMillan, Moore, Nevett, Newman, Nicholson, Owens, Parker, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Venable, White (F), White (L), Williams and Wilson.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questiond and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 372. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Johnson (R.G.), McMillan, Martin, Minus, Moore, Nevett, Newman, Nicholson, Parker, Richardson, Scott, Seibels, Starkey, Starr, Venable, White (F), White (L), Williams and Wilson.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Coburn, Cosby, Crow,

Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, McMillan, Martin, Moore, Nevett, Newman, Nicholson, Owens, Parker, Richardson, Scott, Seibels, Smith, Starkey, Starr, Venable, White (F), White (L), Williams and Wilson.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 384. Relating to Tallapoosa County; providing that the Tallapoosa County Commissioners shall serve full time as such officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carter, Casey, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Kvalheim, McMillan, Martin, Moore, Newman, Nicholson, Owens, Parker, Poole, Richardson, Scott, Seibels, Starkey, Starr, Thomas, White (F), White (L), Williams and Wilson.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Coburn, Cosby, Crow, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Johnson (Roy), Kvalheim, McMillan, Martin, Minus, Newman, Nicholson, Parker, Poole, Richardson, Scott, Seibels, Smith, Starkey, Starr, Venable, White (L), Williams and Wilson.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 1.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Brooks, Casey, Coburn, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Hall, Hettinger, Johnson (Roy) Kvalheim, McMillan, Nevett, Newman, Nicholson, Owens, Parker, Richardson, Scott, Seibels, Starkey, Starr, Thomas and White (L).

—32

Nay: Rep. Johnson (R.G.) —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clikas, Coburn, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Johnson (R.G.), Johnson (Roy), Kvalheim, Martin, Minus, Moore, Nevett, Newman, Nicholson, Parker, Poole, Richardson, Scott, Seibels, Starkey, Starr, Venable, White (L), Williams and Wilson.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 422. To alter, rearrange and extend the boundary lines and corpo-

rate limits of the municipality of Athens, in Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Box, Brakefield, Brooks, Browder, Bryant, Butler, Carter, Casey, Clikas, Coburn, Cosby, Crow, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Johnson (R.G.), Johnson (Roy), Kvalheim, Langford, Martin, Minus, Moore, Nevett, Newman, Nicholson, Parker, Poole, Rains, Richardson, Scott, Seibels, Smith, Starkey, Starr, Venable, White (L), Williams and Wilson.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Payne, Biddle and Layton:

H. R. 120. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith of the House:

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

Also:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

Also:

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA

FERNANDEZ.

Also:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:10 A.M. on May 5, 1983.

H. J. R. 8

H. J. R. 70

H. J. R. 71

H. J. R. 75

H. J. R. 76

H. J. R. 85

H. J. R. 91

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Ford and pursuant to the resolution, H. R. 101, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, May 10, 1983.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 10, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Lawson Bryant, pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Blake, Blakeney, Boles, Bowling,

Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—101

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Boles, leave of absence was granted for Rep. Wright.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

Also:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

Also:

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR

OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA FERNANDEZ.

Also:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Zoghby.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, With Substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 420. (With Substitute): To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

H. 395. (With Substitute): To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 455. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

The above bill was read a second time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Drake and Bowling:

H. J. R. 121. COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

WHEREAS, it is with great pleasure, and in sincere commendation, that the Alabama Legislature notes the recent State Championship of the West Point High School Scholar's Bowl Team of Cullman, Alabama; and

WHEREAS, as Champion Team of Class 3A schools, the West Point Scholars competed in playoffs against 1A, 2A and 4A teams to capture statewide laurels and the privilege of representing the State of Alabama in the National Scholar's Bowl Tournament to be held May 26, 1983, in Dallas, Texas; and

WHEREAS, the West Point High School Scholar's Bowl Team consists of Terry Sellers, Chris Solly, Sandra Pledger, Jeff Reid, Ronna Johnson, Susan Griggs, and Joey Sachs who was awarded a $3,000 scholarship to the University of Alabama-Birmingham as the top scorer among 3A schools; and

WHEREAS, under the guidance and tutelage of faculty sponsor, Mr. Edwin Gutherie, these outstanding young high school students have indeed achieved a mark of excellence, and it is with great pride that we recognize

Cullman's West Point High School Scholar's Bowl team as Alabama's academic ambassadors to the National Finals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of the West Point High School Scholar's Bowl Team and direct that copies of this resolution be presented to team members and their faculty sponsor and that a copy also be provided for appropriate school display.

On motion of Rep. Drake, the rules were suspended and the resolution, H. J. R. 121, was adopted.

Also:

By Rep. Johnson, (Roy):

H. J. R. 122. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 10, 1983, we adjourn to meet again on Thursday, May 12, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 122, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 123. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 10, 1983, we adjourn to meet again on Thursday, May 12, 1983 at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 123, was adopted.

Also:

By Reps. Payne, Boles, Layton and Biddle:

H. R. 124. ESTABLISHING A COMMITTEE TO STUDY THE FUTURE DEVELOPMENT OF SEWERS AND RELATED PROBLEMS WITHIN THE CENTER POINT FIRE DISTRICT SERVICE AREA.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That there is hereby created a Committee to Study the Development of Sewers in the Incorporated Areas within the Center Point Fire District Service Area. The Committee shall be charged as follows:

1. Determine current tax revenues that are being paid by residents of the Fire District and the resulting benefits that the communities in the incorporated areas located within the Fire District are receiving from those funds, especially as they relate to sewers and sewer development.

2. Investigate whether or not we need to raise additional funds, in the Fire District for sewer development.

3. To confer with the Center Point Fire District Board and firemen to determine if additional funds are necessary for the operation of the Fire District.

The Committee is to be composed of thirteen (13) members; President of the Center Point Chamber of Commerce, Chairman of the Center Point Fire District Board, President of the Chalkville Civic Club, President of the

Pinson Valley Association, President of the Clay Recreation Association, two members appointed by the incumbent House Member residing in the new House District 43 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member residing in the new House District 44 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member residing in the new House District 45 as approved by the Federal Courts in 1983, and two members appointed by the Senate Member residing in the new Senate District 15 as approved by the Federal Courts in 1983.

Appointments to the Committee will be made within 30 days after this Resolution is passed. If the appointments are not made within 30 days, they will be forfeited. The Committee will meet Friday, May 27, 1983 at 7:00 p.m., in the President's Conference Room at Jefferson State Junior College at which time the Committee will elect a Chairman and a Vice-chairman from the total membership.

Members of the Committee will serve without compensation.

The Committee will report to the House and Senate Delegation no later than January 15, 1984. The Committee will make written recommendations which will include, but not limited to:

1. Any methods for raising additional revenue for future sewer development and if necessary new revenue for the Fire District Board.

2. If new revenues are recommended, specify how they will be collected and distributed.

3. Report on tax revenues currently being collected in the Fire District and benefits received for those revenues.

The Committee shall be terminated upon adjournment of the meeting when recommendations are made to the House and Senate delegations to the State Legislature.

On motion of Rep. Payne, the rules were suspended and the resolution, H. R. 124, was adopted.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, it is with sincere commendation that the Alabama Legislature notes the accomplished tenure of Mr. James M. Hirs as president of the Community Chest and Council of Mobile, Alabama; and

WHEREAS, Mr. Hirs, as a result of his dedication and vigorous leadership for the past two years, has provided a sound basis for progressive planning and for the positive financing of human services in Mobile County; and

WHEREAS, Mr. Hirs, who also previously served as budget chairman of United Way, has provided leadership in numerous other areas in the community including America's Junior Miss, Leadership Mobile, the Mobile Carnival Association and Gulf Coast Public Broadcasting; he has additionally served in board membership of many civic and business organizations, and presently is president of the American National Bank and Trust Company; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. James M. Hirs for outstanding service as president of the Community Chest and Council of Mobile County; we further express admiration of his concerned involvement in numerous other community affairs and direct that he receive a copy of this resolution in expression of our heartfelt praise and esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 125, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By. Reps. Ashley, Lauderdale and Goodwin:

H. 518. To make annual supplemental appropriations from the Alabama special educational trust fund to the state department of education upon the depletion of federal funds used for providing for apprenticeship programs conducted by the local school systems and postsecondary institutions under jurisdiction of the state board of education.

Ways and Means.

By Rep. Mitchell (With Notice and Proof):

H. 519. To provide for branch banking in Pickens County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 519, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Mitchell (With Notice and Proof):

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 520, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Coleman and Rains (With Notice and Proof):

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the

circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 521, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Johnson (Roy):

H. 522. To amend §12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Supernumerary Fund.

State Administration.

By Rep. Waggoner:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

Local Government.

By Rep. Waggoner:

H. 524. (With Notice and Proof): An act relating to water works boards, water, sewer and fire protection districts, and water, sewer and fire protection authorities operated by governmental units in Blount, Jefferson, St. Clair, Shelby and Walker Counties, situated within the geographical territory served by the Birmingham Regional Planning Commission; To provide for the collection of certain charges from water works boards, authorities and districts; and to prescribe for the designating and remitting of such charges to the Birmingham Regional Planning Commission for the continued funding of water quality study and implementation within the region.

State Administration.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 524, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Martin:

H. 525. To provide a financial incentive for the production of films for the motion picture and television industries in the State; and to provide for the registration of motion picture production companies doing business in the State.

Ways and Means.

By Rep. Coburn:

H. 526. To provide that certain county officers and employees who belong to the state retirement system, who are deemed blind, shall be entitled

to a minimum retirement benefit allowance.

Ways and Means.

By Rep. Coburn (With Notice and Proof):

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 527, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Coburn (With Notice and Proof):

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau of Colbert County to set forth.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Gaston, Kvalheim and Harper:

H. 529. To amend section 36-19-3, Code of Alabama 1975, relating to persons deemed assistants to the state fire marshal, so as to provide further for such assistants.

Local Government.

By Reps. Layton, Horn, Davis, Trammell, Rogers, Howard, Scott, Boles, Moore and Waggoner (With Notice and Proof):

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson

County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 530, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Lewis and Waggoner (With Notice and Proof):

H. 531. Relating to Bluff Park fire district of Jefferson county organized pursuant to Act No. 79, H. 99, Special Session 1966 (Acts 1966, p. 106); to provide for the election by mail ballot of the board of trustees of said Bluff Park fire district; and to provide for notice of meetings of the board.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 531, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Lewis (With Notice and Proof):

H. 532. To repeal Act No. 499, H. 858, approved August 27, 1973, Regular Session 1973 (Acts 1973, p. 738), entitled, "An Act to provide retirement allowances for elected officials in the City of Bessemer, Alabama, and to provide for the payment of such allowances," and to provide for a referendum.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 532, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Dutton, Bowling, Lauderdale, Parker, Brooks, Nicholson, Martin, Faulk and Melton:

H. 533. To provide for expansion and division of the Black Warrior Wildlife Management Area, as created pursuant to Sections 9-11-301 through 9-11-307 of the Code of Alabama 1975, so as to include certain described lands within such area for the management and protection of wildlife found on such lands.

Natural Resources.

By Rep. Cosby:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in,

but is declaratory of, the pre-existing law.

Ways and Means.

By Rep. Cosby:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Ways and Means.

By Reps. Sasser, Owens, Grimsley, Turnham, Browder and Ford:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

State Administration.

By Reps. Melton, Bryant and Cosby:

H. 537. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of the same and to provide for certain continuing education requirements for licensees.

State Administration.

By Rep. Cosby:

H. 538. Relating to sales and use taxes; to amend the Alabama sales and use tax laws appearing in Chapter 23, Title 40, Code of Alabama 1975 by specifically amending §§ 40-23-1 relating to sales tax and 40-23-60 relating to use tax so as to further define the term "wholesale sale or sale at wholesale" as it relates to certain tangible personal property or products used by manufacturers or compounders which enter into and become an ingredient or component part of tangible personal property or products manufactured or compounded for sales, and §§ 40-23-4 relating to sales tax and 40-23-62 relating to use tax so as to exempt from said taxes wood or wood residue used or consumed in the production of by-products or the generation of heat or power.

Ways and Means.

By Reps. McMillan, Warren and Blakeney:

H. 539. To amend Section 32-5-212, Code of Alabama 1975, which provides for the requirement of brakes on motor vehicles, so as to exempt certain trailer trucks.

Highway Safety.

By Reps. Langford, Flowers, Bryant, Wilson, Grimsley, Buskey, Smith, Davis, Minus, Blakeney, Layton, Turner, Drinkard, Adams, Laird, McKee, Williams, Browder, Starr, Rogers, Howard, Horn, Thornton, Scott, Moore, Martin, Carothers, Grouby and Hammett:

H. 540. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying and engineering services under the provisions of this

lien statute and to remove the limitation on the extent in area to which it applies.

Judiciary.

By Reps. Harper and McMillan:

H. 541. To propose an amendment to the Constitution of 1901, to provide that the Legislature shall by legislative action appropriate all public funds in this state.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Albright, Hettinger, Freeman, Butler and Brooks (With Notice and Proof):

H. 542. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 542, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Browder, Laird, Coleman, Smith, Rice, Flowers, Holley, Lauderdale, Brooks, Casey, Crow, Blake, Sasser, Ford, Preuitt, Penry and White (F):

H. 543. To provide that any income, assets or financial benefits to which a convicted felon is entitled as a result of a publication of any oral or written communication concerning such felon's criminal offense, be used for the welfare of indigent victims of crime, and to provide for the seizure and forfeiture of such income, assets or financial benefits and the disbursement thereof.

Judiciary.

By Reps. Browder, Smith, Laird, Coleman, Rice, Flowers, Holley, Lauderdale, Brooks, Casey, Sasser, Ford, Preuitt, Penry and White (F):

H. 544. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation

Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Judiciary.

By Rep. Manley:

H. 545. To provide for the better enforcement of foreign judgments by adopting the "Uniform Enforcement of Foreign Judgments Act." This Act will give such judgments the same force and effect as a judgment issued by a court in this state.

Judiciary.

By Rep. Manley:

H. 546. To make temporary changes in the election laws of Alabama to permit the implementation of the 1983 legislative redistricting plan.

Constitution and Elections.

By Rep. White (L):

H. 547. To amend section 36-27-1, Code of Alabama 1975, relating to definitions pertaining to the state employees' retirement system, so as to include employees in the beer and license division of the alcoholic beverage control board, within the definition of "state policeman;" and to allow creditable service as a state policeman for service rendered prior to this act.

Ways and Means.

By Rep. Moore:

H. 548. To exempt any person 62 years of age or older and persons who are medically handicapped from the payment of fees, permits or other charges of all state park facilities except hotel, motel or cabin or cottage accommodations therein.

Ways and Means.

By Rep. Turnham:

H. 549. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, and 34-11-32 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor and compensation of members of the board of registration

for professional engineers and land surveyors.

State Administration.

By Rep. Holley:

H. 550. To provide that the director and deputy director of criminal justice information center are in the unclassified service as defined by section 36-26-10 of the Code of Alabama, 1975.

Ways and Means.

By Reps. Penry and McMillan:

H. 551. To appropriate to the State Board of Chiropractic Examiners from its separate fund in the General Fund of the State Treasury $10,000 for the purpose of the general operation of that Board for the fiscal year ending September 30, 1983 in addition to any and all other appropriations heretofore or hereafter made to the Board of Chiropractic Examiners; and to provide for an effective date.

Ways and Means.

By Reps. Penry and McMillan:

H. 552. To prohibit the use of red clay on certain beaches of the state.

Commerce and Industrial Development.

By Reps. Rogers and Horn (With Notice and Proof):

H. 553. To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The following resolution was introduced:

By Reps. Rains and Coleman:

H. R. 126. URGING THE PRISON SYSTEM TO PURCHASE A NEW ELECTRIC CHAIR.

WHEREAS, the laws of this state provide for the punishment of certain crimes by death in the electric chair; and

WHEREAS, the state legislature desires that such executions be per-

formed in an efficient and effective manner; and

WHEREAS, there were certain problems concerning the operation of the electrocution appliance during the last state-ordered electrocution; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Department of Corrections is urged to purchase a new electric chair to perform state executions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Corrections.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Rains offered the motion to suspend the rules and adopt the resolution, H. R. 126, and the motion was lost.

Yeas 13; Nays 28.

Yeas:

Reps. Blakeney, Butler, Carter, Coleman, Gaston, Harper, Martin, Newman, Scott, Turner, Venable, Waggoner and White, (F).

—13

Nays:

Reps. Blake, Box, Brooks, Browder, Bryant, Buskey, Clark, Crow, Davis, Escott, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Melton, Minus, Nevett, Penry, Reed, Rice, Rogers, Starkey and Thomas.

—28

The resolution, was read and referred to the Standing Committee on Rules.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 100. SETTING MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. McKee and Flowers:

H. R. 127. COMMENDING MR. HARRY A. ANDERSON, PRINCIPAL, GOODWYN JUNIOR HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Rep. McKee:

H. R. 128. COMMENDING MRS. ANNE WINSTON PHILLIPS OF ROBERT E. LEE HIGH SCHOOL, MONTGOMERY, ALABAMA.

Also:

By Rep. McKee:

H. R. 129. COMMENDING MRS. GERALD C. FOWLER FOR OUTSTANDING SERVICE AS PRESIDENT OF THE ALABAMA CONGRESS OF PARENTS AND TEACHERS.

Also:

By Rep. McKee:

H. R. 130. COMMENDING THE MONTGOMERY, ALABAMA, ROBERT E. LEE HIGH SCHOOL PTA.

CO-SPONSOR ADDED

Rep. Holmes was added as a co-sponsor to the resolution, H. R. 130.

Also:

By Rep. McKee:

H. R. 131. COMMENDING THE MONTGOMERY, ALABAMA, GOODWYN JUNIOR HIGH SCHOOL PTA.

Also:

By Reps. Albright, Hettinger, Hall, Freeman, Butler, Langford, Melton, Rogers, Howard, Clark, Nevett, Davis, Thornton and Horn:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

WHEREAS, the Alabama Legislature regrets to learn of the impending retirement of Dr. Leon W. Bonner at the close of the current term at Alabama A & M University; and

WHEREAS, a native of Fairhope in Baldwin County, Alabama, Dr. Bonner is a graduate of Tuskegee Institute and holds both a Master's Degree from Michigan State University and the Doctorate of Education from Pennsylvania State University; and

WHEREAS, Dr. Bonner has been associated with Alabama A & M since 1946, in first capacity as an instructor of Poultry Husbandry in the Agriculture Department for a period of four years, followed by a two-year tenure as acting chairman of the Division of Agriculture; in 1952 he became

Teacher Educator for the College and the State Department of Agricultural Education, and he currently holds the position of Dean of the School of Graduate Studies; and

WHEREAS, he is an accomplished and published author of numerous scholarly works and other publications, and he is associated through membership with many professional, civic and service organizations; and

WHEREAS, included among Dr. Bonner's affiliations, many of which he has served in leadership capacity, are Gamma Sigma Delta Honor Society, Alpha Tau Alpha Honorary and Phi Delta Kappa Education fraternities and the American Education Research Association; he further is president of the Human Relations Council, serves as a member of the board of the Alabama Coalition Council and is a member of the American Vocational Association, Board of Trustees of Tuskegee Institute, State Board on Human Relations, Southern Regional Council on Human Relations, National Council of Graduate Deans and the Southern Regional Council of Graduate Deans; and

WHEREAS, he additionally is a member, steward and secretary of Saint John's AME Church, past president of both the Creek District of Boy Scouts of America and the board of directors of Community Action Agency, president of the North Kiwanis Club and a member of the NAACP; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. L. W. Bonner for outstanding service to Alabama A & M University, in all areas of the Education field and to the community as well.

BE IT FURTHER RESOLVED, That Dr. Bonner receive a copy of this resolution that he and his family may know of our sincere praise and warmest personal regard.

On motion of Rep. Albright, the rules were suspended and the resolution, H. J. R. 132, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Aldridge (With Notice and Proof):

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 76, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Holmes (With Notice and Proof):

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 60, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Holmes (With Notice and Proof):

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Mitchell (With Notice and Proof):

S. 194. Relating to Autauga County; to further provide for additional expense allowance for the sheriff of said county.

I HERBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 194, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Mitchell (With Notice and Proof):

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 223, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to

appropriate Standing Committees as follows:

S. 76. Local Legislation No.

S. 60. Local Legislation No.

S. 115. Local Legislation No.

S. 194. Local Legislation No.

S. 223. Local Legislation No.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

Also:

By Senator Dixon:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SYMPHONIC BAND.

Also:

By Senator Dixon:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Wilson, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 41, S. J. R. 69 and S. J. R. 70, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Barron and Bedford:

S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

WHEREAS, the Congress of the United States appropriates monies which fund the 502 and 515 rural housing programs which are subsequently allocated to the individual states; and

WHEREAS, in the fiscal year 1982, Alabama was allocated $57.4 million for the Farmers Home Administration (FmHA) 502 (single family hous-

ing program); and

WHEREAS, the State Director of the Alabama Farmers Home Administration allowed only $25.9 million or 45 percent of these monies to be used in Alabama and returned some $31.5 million to the Farmers Home Administration national pool which was subsequently reallocated to other states; and

WHEREAS, this resulted in monies appropriated and needed to provide safe, sanitary, affordable housing for Alabama's rural citizens being used to house citizens in other states; and

WHEREAS, in the first six months of Fiscal Year 1983, the Alabama Farmers Home Administration Office has allowed only $11.980 million of the $28.275 million designated for Alabama for single family rural housing to be used; and

WHEREAS, the low rate of usage of Alabama's Farmers Home Administration funds by the state director has resulted in a reduction of Fiscal Year 1983 funds available to Alabama; and

WHEREAS, while millions of dollars in housing money is being returned from this state for reallocation to other states, there are applications setting in Alabama's Farmers Home Administration County Supervisor offices which remain unfunded because our Farmers Home Administration is unable or unwilling to process them; and

WHEREAS, unemployment in Alabama is amongst the highest in the nation; and

WHEREAS, The $31.5 million which the State Director of Alabama's Farmers Home Administration returned for allocation in the Fiscal Year 1982, would have provided Alabama with some 1,050 new rural housing units at an average cost of $30,000, with some 1,846 jobs and with a stimulus to housing associated industries and business as well as the economy of the State; and

WHEREAS, a similar situation will be experienced with Fiscal Year 1983 funds unless prompt, corrective action is taken; and

WHEREAS, large numbers of people in Alabama who want, and can qualify for Farmers Home Administration housing, are being deprived of the opportunity of home ownership despite the availability of funds in Alabama; and

WHEREAS, the State Director, Farmers Home Administration has allowed our urgently needed rural housing monies to instead serve the interests of other states which are allocated monies by Congress on the same formula as Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the failure of the Alabama State Office, Farmers Home Administration, to fully utilize the resources appropriated by the Congress of the United States for the welfare of Alabama's rural citizens and urge timely action to insure correction of this situation in order to take advantage of those 1983 Fiscal Year monies still available to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama State Director, Farmers Home Administration; Governor George C. Wallace; each member of Alabama's Congressional delegation; and Charles W. Schuman, Administrator, Farmers Home

Administration, Washington, D. C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 55, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Teague:

S. J. R. 73. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF GIRLS' BASKETBALL AND TRACK TEAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Preuitt, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 73, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

On motion of Rep. Casey, the resolution, S. J. R. 38, was adopted.

Also:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

On motion of Rep. Casey, the resolution, S. J. R. 26, was adopted.

Also:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES

STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

On motion of Rep. Casey, the resolution S. J. R. 10, was adopted.

Also:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

On motion of Rep. Casey, the resolution, S. J. R. 9, was adopted.

Also:

S. J. R. 8. COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

On motion of Rep. Casey, the resolution, S. J. R. 8, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 133 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 10, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Casey:

H. 198 p. 9 State Budget officer

By Mr. Smith:

H. 24 p. 23 Child Pornography act

By Mr. Campbell:

H. 75 p. 26 Hearings of insane prior to release

By Mr. Adams:

H. 493 p. 75 Postsecondary bill

By Mr. Campbell:

H. 77 p. 26 Increase penalties work release

By Mr. Campbell:

H. 79 p. 24 Nolo contendere

By Mr. Williams:

H. 105 p. 22 Illegal possession of food stamps

By Mr. Carter:

H. 214 p. 21 Interference with custody

By Mr. Williams:

H. 263 p. 23 Youthful offender proceedings

By Mr. Manley:

H. 269 p. 24 Insanity reform

By Mr. Langford:

H. 278 p. 21 Increased penalties for bid rigging

By Mr. Flowers:

H. 298 p. 25 Death sentence

By Mr. Flowers:

H. 299 p. 25 Burglary and criminal trespass

By Mr. Albright:

H. 306 p. 27 Prostitution bill

By Mr. Casey:

H. 246 p. 49 Restitution order as a final judgment

By Mr. Casey:

H. 249 p. 49 No pardon without restitution

By Mr. Flowers:

H. 297 p. 50 Victim's court room attendance act

By Mr. Campbell:

H. 253 p. 28 Warrants for nighttime searches

By Mr. Manley:

H. 370 p. 37 Banking bill

By Mr. Johnson (R):

H. 73 p. 6 Facilities, elderly persons

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the resolution, H. R. 133, said amendment being as follows:

Amend Special Order Calendar on page 1 line 15 by striking HB 493 from the special order calendar.

And the amendment was lost.

Yeas 32; Nays 47.

Yeas:

Reps. Blakeney, Box, Brooks, Bryant, Carothers, Clark, Crow, Escott, Faulk, Grimsley, Holley, Howard, Johnson (Roy), Langford, Mathis, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Rains, Reed, Richardson, Sasser, Smith, Trammell, Turner, Turnham, Warren, White (F) and White (L).

—32

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bowling, Brakefield, Browder, Buskey, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Murphy, Owens, Penry, Preuitt, Rice, Scott, Starkey, Stout, Venable, Waggoner and Williams.

—47

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 121. COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

Also:

H. J. R. 122. SETTING MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

McDOWELL LEE,
Secretary.

H. R. 133 RESUMED

On motion of Rep. Casey, the resolution, H. R. 133, was adopted.

H. 38, 44 and 45 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bills, H. 38, 44 and 45, were temporarily postponed.

H. 423 TEMPORARILY POSTPONED

On motion of Rep. Casey, the bill, H. 423, was temporarily postponed.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Buskey to suspend the rules in order to bring up out of order, the bill, H. 484, was lost.

Yeas 25; Nays 29.

Yeas:

Reps. Albright, Box, Bryant, Buskey, Clark, Coburn, Davis, Dutton, Escott, Hall, Holmes, Horn, Howard, Kennedy, Langford, Melton, Nevett, Reed, Rogers, Scott, Starkey, Thornton, Tucker, White (L) and Williams.

—25

Nays:

Mr. Speaker, Adams, Blakeney, Browder, Butler, Campbell, Casey, Coleman, Cosby, Crow, Flowers, Gaston, Grimsley, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Manley, Mitchell, Owens, Rains, Rice, Richardson, Starr, Turner, Waggoner and Wilson.

—29

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 20.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, Martin, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Smith, Stout, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Warren, White (L) and Williams.

—62

Nays:

Reps. Adams, Brooks, Cosby, Freeman, Gaston, Harper, Hettinger, Johnson, A.L., Johnson, R.G., Kvalheim, Lewis, McKee, McMillan, Manley, Mitchell, Owens, Rice, Starkey, Starr and Wilson.

—20

And the bill:

H. 24. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L) and Wilson.

—89

CO-SPONSORS ADDED

Reps. Kvalheim and Gaston were added as co-sponsors to the bill, H. 24.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 100. Relative to Legislative meeting dates, Thursday, May 5, 1983 and Tuesday, May 10, 1983.

Also:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 75. To provide a procedure for hearings by the Court prior to release from custody of defendants who were found to have committed a

criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Was taken up.

MOTION TO TEMPORARILY POSTPONE

Rep. Box offered the motion to temporarily postpone the bill, H. 75.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Campbell, the motion to temporarily postpone the bill, H. 75, was tabled.

Yeas 63; Nays 15.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Hall, Hammett, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starkey, Turner, Venable, Waggoner, Warren, White (L), Williams and Wilson.

—63

Nays:

Reps. Box, Bryant, Buskey, Clark, Harper, Holmes, Horn, Kennedy, Nicholson, Rains, Rogers, Starr, Tucker, Turnham and White, F.

—15

And the bill H. 75, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 8.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blakeney, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—72

Nays: Reps. Box, Buskey, Clark, Holmes, Kennedy, Nicholson, Rogers and Tucker.

—8

CO-SPONSOR ADDED

Rep. Gaston was added as a co-sponsor to the bill, H. 75.

MESSAGE FROM THE SENATE

Mr. Speaker

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

McDOWELL LEE,
Secretary.

ADJOURNMENT

The motion offered by Rep. Holmes, that the House adjourn, was lost.

Yeas 28; Nays 52.

Yeas:

Reps. Bryant, Carothers, Clark, Crow, Davis, Escott, Flowers, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Mathis, Melton, Nevett, Nicholson, Penry, Preuitt, Rains, Richardson, Rogers, Sasser, Scott, Turner, Turnham, Warren and Williams.

—28

Nays:

Mr. Speaker, Adams, Albright, Ashley, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carter, Coburn, Coleman, Cosby, Drinkard, Dutton, Faulk, Ford, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Moore, Murphy, Newman, Owens, Parker, Payne, Rice, Smith, Starkey, Starr, Tucker, Venable, Waggoner, White (F), White (L) and Wilson.

—52

RESOLUTION

The following resolution was introduced:

By Reps. Carothers, Mathis, Junkins, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

WHEREAS, Wayne Love served the information needs of the people of Alabama for many years; and

WHEREAS, Wayne Love's high standard of liberty and information service provided a model for librarianship in Alabama; and

WHEREAS, Wayne Love was actively involved in the establishment of an accredited Graduate School of Library Science at the University of Alabama; and

WHEREAS, Wayne Love's unflagging devotion to excellence was widely recognized throughout the State by his colleagues; and

WHEREAS, Wayne Love's leadership was greatly valued and trusted; and

WHEREAS, Wayne Love accepted the responsibility for the advancement of the Alabama Library Association and its numerous committees, and

WHEREAS, Wayne Love worked tirelessly as an advocate of quality library and information service to all Alabama citizens; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSE THEREOF CONCURRING, That we hereby express deep gratitude and public appreciation to the family of Wayne Love for his contributions to Alabama's public libraries which provide the educational, cultural and information resources for all the people of Alabama.

BE IT FURTHER RESOLVED, That the Legislature of Alabama express its sympathy to the family of Wayne Love and that a copy of this Resolution be provided to Mrs. Love as an expression of our sincere sympathy.

On motion of Rep. Carothers, the rules were suspended and the resolution, H. J. R. 134, was adopted.

ADJOURNMENT

The motion offered by Rep. Howard, that the House adjourn, was lost

Yeas 40; Nays 46.

Yeas:

Reps. Albright, Blakeney, Bryant, Carothers, Clark, Crow, Davis, Escott, Gaston, Grimsley, Grouby, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Manley, Mathis, Melton, Mitchell, Nevett, Nicholson, Poole, Rains, Richardson, Rogers, Sasser, Scott, Smith, Thomas, Trammell, Turner, Turnham, Warren, White (F) and Williams.

—40

Nays:

Mr. Speaker, Adams, Ashley, Blake, Boles, Box, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Casey, Cosby, Drinkard, Dutton, Flowers, Ford, Freeman, Goodwin, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rice, Starkey, Starr, Tucker, Venable and Wilson.

—46

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 121. COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

Also:

H. J. R. 122. Relative to legislative meeting dates Tuesday, May 10, 1983, through Thursday May 12, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY

GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

ADJOURNMENT

The motion offered by Rep. Rains, that the House adjourn, was lost.

Yeas 39; Nays 45.

Yeas:

Reps. Albright, Blakeney, Brooks, Bryant, Carothers, Clark, Clikas, Crow, Davis, Escott, Gaston, Goodwin, Grouby, Hall, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Manley, Mathis, Melton, Moore, Nevett, Nicholson, Poole, Rains, Rogers, Sasser, Scott, Smith, Thomas, Trammell, Turner, Turnham, Warren, White (F) and White (L).

—39

Nays:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Box, Browder, Buskey, Butler, Campbell, Carter, Casey, Coburn, Cosby, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Hammett, Harper, Harvey, Hettinger, Johnson (R.G.), Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mitchell, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rice, Starkey, Starr, Stout and Venable.

—45

SPECIAL ORDER RESUMED

And the bill:

H. 493. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

Was taken up.

AMENDMENT OFFERED

Rep. Stout offered the following amendment to the bill, H. 493, said amendment being as follows:

On Page 3, in Section 2, on lines 36 and 37, delete the language "serve past June 30" and insert in lieu thereof:

be eligible for appointment or reappointment to the Board

CO-SPONSORS REMOVED

The following co-sponsors were removed from the bill, H. 493.

Reps. Blakeney, Box, Brakefield, Brooks, Buskey, Butler, Clark, Escott, Gaston, Grimsley, Hall, Holley, Holmes, Johnson (Roy), Kvalheim, Langford, Melton, Newman, Reed, Scott, Thomas, Trammell, Turner, Turnham and White (F).

RESOLUTIONS

The following resolutions were introduced:

By Rep. Box:

H. J. R. 135. COMMENDING MR. BARRON H. McGILL OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with utmost pride the recent selection of Mr. Barron H. McGill of Mobile, Alabama, to attend The Blue Lake International Musical Festival in Rottenbuch, Germany, July 11-August 4, 1983; and

WHEREAS, the festival, an international fine arts camp located in Bavaria, is attended each year, and by invitation only, by some 200 talented young musicians from Europe and North America; and

WHEREAS, it is further to be noted that Barron McGill is one of only 57 American High School students invited to participate, and is the recipient of one of just eight scholarships awarded nationwide; and

WHEREAS, Mr. McGill is a 17-year-old junior at McGill-Toolen High School and the son of Rev. and Mrs. A. L. McGill; he is both an accomplished pianist and alto saxaphonist who plays first chair alto sax with his high school Symphonic Band and has been rated Superior in piano competition by the Mobile Music Teachers' Association; and

WHEREAS, he also has performed with the District VII Honor Band, and last year was named Most Outstanding Sophomore Band Student by his fellow band members; he is a founder of and musician for the Outreach Community Chorus of Prichard and Mobile and, additionally, plays with a local jazz band; and

WHEREAS, he is one of the first two Alabama student musicians to have ever been invited to participate in the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Barron H. McGill for outstanding musical accomplishment; we further congratulate him as the recipient of the prestigious invitation and scholarship to attend The Blue Lake International Music Festival and to join the Festival's concert tour throughout Germany and Western Europe.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent

to Mr. McGill in token of our sincere regard and in expression of our warm best wishes for every future success.

On motion of Rep. Box, the rules were suspended and the resolution, H. J. R. 135, was adopted.

Also:

By Rep. Box:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature notes with utmost pride the recent selection of Miss Rhonda Kay Franklin of Mobile, Alabama, to attend The Blue Lake International Music Festival in Rottenbuch, Germany, July 11-August 4, 1983; and

WHEREAS, the festival, an international fine arts camp located in Bavaria, is attended each year, and by invitation only, by some 200 talented young musicians from Europe and North America; and

WHEREAS, it is further to be noted that Miss Franklin is one of only 57 American High School students invited to participate, and is the recipient of one of just eight scholarships awarded nationwide; and

WHEREAS, Miss Franklin is a 17-year-old junior at McGill-Toolen High School and the daughter of Mrs. Barbara S. Franklin and Ronald E. Franklin; she is both an accomplished pianist and clarinetist who plays first chair clarinet with her high school Symphonic Band and has won first place in the Alabama Music Teachers' District Piano Festival for the past two years; and

WHEREAS, she also has received Superior ratings for clarinet performances in solo and ensemble competition, is a member of the 1983 Alabama All-State Band and has played in the District VII Honor Band; and

WHEREAS, she is one of the first two Alabama student musicians to have ever been invited to participate in the festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Rhonda Kay Franklin for outstanding musical accomplishment; we further congratulate her as the recipient of the prestigious invitation and scholarship to attend The Blue Lake International Music Festival and to join the Festival's concert tour throughout Germany and Western Europe.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Franklin in token of our sincere regard and in expression of our warm best wishes for every future success.

On motion of Rep. Box, the rules were suspended and the resolution, H. J. R. 136, was adopted.

CERTIFICATE OF CLERK

To the House of Representatives:

I herby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:15 P.M. on May 10, 1983.

H. J. R. 77

H. J. R. 79

H. J. R. 87

H. J. R. 93

H. J. R. 94

H. J. R. 98

Delivered to the Governor at 3:10 P.M. on May 10, 1983.

H. J. R. 100

H. J. R. 108

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Turnham and pursuant to the resolution, H. R. 123, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 12, 1983.

Yeas 45; Nays 39.

Yeas:

Reps. Albright, Blakeney, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Davis, Escott, Gaston, Goodwin, Grimsley, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Kvalheim, Langford, Manley, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Parker, Poole, Rains, Richardson, Sasser, Scott, Smith, Thomas, Thornton, Trammell, Turner, Turnham, Warren, White (F), White (L), Williams and Wilson.

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Nays:

Mr. Speaker, Adams, Ashley, Boles, Bowling, Box, Browder, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Drinkard, Dutton, Freeman, Hammett, Harvey, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Lauderdale, Layton, Lewis, McKee, McMillan, Murphy, Owens, Payne, Penry, Preuitt, Rogers, Starr, Stout, Tucker, Venable and Waggoner.

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EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 12, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bill Yarber, Northside Baptist Church, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 133. (With Amendment): To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 342. (With Amendments): To amend Sections 12-17-231 and 12-17-233, code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide

for a conditional appropriation to said office.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 130. (With Amendment): To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 354. (With Substitute): To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, and to increase the contribution paid in by officials participating in such program

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 178. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers thereof.

H. 293. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were

severally read a second time and placed on the Calendar, to-wit:

H. 540. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying and engineering services under the provisions of this lein statute and to remove the limitation on the extent in area to which it applies.

H. 233. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

H. 427. To amend Code of Alabama 1975, §35-4-29, relating to the forms of acknowledgments to be used on conveyances and instruments of every description admitted to record by deleting the requirement that an acknowledgment for individual and for official or other person in representative capacity be dated on the same day that the instrument bears date.

H. 81. To amend Section 40-12-49, Code of Alabama, 1975, by deleting therefrom, the exemption from annual license taxes for those lawyers who have been in practice less than 2 years from their admission to the bar.

H. 279. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

H. 313. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court of Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

H. 138. To repeal Section 15-11-13, Code of Alabama 1975, which requires that married women and minors procure sureties upon appearing as witnesses for the prosecution.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 207. (With Substitute): To propose an amendment to the Constitution providing that regular sessions in all even-numbered years shall be limited to subjects pertaining to local legislation and matters of the budgets and to set the duration of said sessions.

The above bill was read a second time at length as required by the Constitution.

Rep. Blake, Chairman of the Standing Committee on State Administra-

tion, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 516. To amend Section 36-25-9, Code of Alabama 1975, which provides for service on regulatory boards regulating business with which the member of the board is associated, so as to provide further for such service.

H. 498. To amend Section 41-17-1, Code of Alabama 1975, relating to standards of state-owned motor vehicles, so as to exempt the Revenue Department from certain standards.

H. 369. To amend Section 41-4-150, Code of Alabama, 1975.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 495. (With Amendment): To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

H. 494. (With Amendment): To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments.

Rep. Turnham, chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 506. (With Amendment): To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to establish a special fund of five thousand dollars ($5,000.00) to be set aside within the budget of the State Department of Education, which fund shall be known as the teacher-of-the-year award; and to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 157. To amend Section 17-5-12 of the Code of Alabama 1975, relating to places of voting so as to provide that the county commission may designate a place of holding elections other than the courthouse in the precinct in which the courthouse is situated.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and

they were severally read a second time and placed on the Calendar, to-wit:

H. 431. To authorize counties of this State to establish and provide fire protection districts within each county; to enter into agreements with organized Fire Departments within each county for fire protection and services; to set fees for fire protection services within each county, and to prescribe the manner of collection and distribution of such fees.

H. 432. To authorize the municipalities of this state to establish and collect a service charge for fire protection within their municipal limits and police jurisdiction.

Rep, Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 517. (With Substitute): To amend Section 32-9-1, 32-9-20 and 32-9-25, Code of Alabama 1975, relating to vehicle size and weight.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 539. To amend Section 32-5-212, Code of Alabama 1975, which provides for the requirement of brakes on motor vehicles, so as to exempt certain trailer trucks.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the Legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 488. To provide for and create the Madison County Racing Com-

mission, for the regulating, licensing and supervision of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether and where the Act will become effective in the county.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 115. (With Amendment): Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 203. (With Amendment): To authorize Class 5 cities to establish Enterprise Zones in areas of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such areas, and to authorize agencies of such cities, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zones, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zones, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such Class 5 cities or private entities within such zones under any act of the Congress of the United States heretofore or hereafter enacted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Newman (With Notice and Proof):

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Local Legislation No.1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 554, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,

Clerk.

By Reps. Richardson and Cosby:

H. 555. To amend Section 31-6-4, Code of Alabama 1975, which provides for educational benefits for children of deceased or disabled veterans, so as to provide further for the definition of disabled veterans.

Ways and Means.

By Reps. Carter and Casey:

H. 556. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailer; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

State Administration.

By Reps. Drinkard and Ford:

H. 557. To provide for visitation rights of natural grandparents in adoption proceedings.

Judiciary.

By Rep. Casey:

H. 558. To amend Section 12-17-61, Code of Alabama 1975, relating to the judicial districts and the number of district court judges, so as to provide that Cleburne County shall constitute a judicial district; to provide that the three district judges now presently serving both Calhoun and Cleburne Counties shall serve only in Calhoun County; to provide for a district judge to serve Cleburne County; to provide for the time of establishment of such additional judgeship and for the appointment and election of such additional judge; and to make an appropriation.

Ways and Means.

By Rep. Casey:

H. 559. To amend Section 12-17-61, Code of Alabama 1975, relating to the judicial districts and the number of district court judges, so as to provide that Coosa and Clay counties shall each constitute a judicial district and to provide for an additional district judge to serve Clay county; to provide for the time of establishment of such additional judgeship and for the appointment and election of such additional judge; and to make an appropriation.

Ways and Means.

By Rep. Langford:

H. 560. To make an appropriation from the state general fund for the relief of Clarence Norris who was wrongfully convicted as one of the nine "Scottsboro Defendants."

Ways and Means.

By Reps. Warren and Grouby:

H. 561. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

State Administration.

By Reps. Warren and Grouby:

H. 562. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

State Administration.

By Rep. Campbell:

H. 563. To repeal Section 40-21-53, Code of Alabama 1975, as amended, and which levies a 2.2% public utility license tax on persons, firms and corporations operating an electric or hydroelectric public utility in the state, repeals Section 40-21-54, Code of Alabama 1975, which provides that the 2.2% public utility license tax shall be deductible from and shall not constitute a part of such utility's gross receipts for the purposes of computing the amount due under any state, county or municipal tax, excise, license or fee and repeals Section 40-21-55, Code of Alabama 1975, which provides for the distribution of the revenues from such tax.

Ways and Means.

By Rep. Adams:

H. 564. To provide that military personnel assigned to military installations of a geographically contiguous nature which are located in part within the state of Alabama and in part within an adjoining state to Alabama, may hunt on the premises of said installation pursuant to valid hunting licenses issued from either state.

Natural Resources.

By Rep. Campbell:

H. 565. To amend § 40-14-41 Code of Alabama 1975 by changing the minimum franchise tax from $25.00 to $100.00.

Ways and Means.

By Rep. Campbell:

H. 566. To propose an amendment to Section 229 of the Constitution of Alabama of 1901 relating to payment of a franchise tax by corporations organized under the laws of this state so as to base the tax on the actual amount of capital employed in this state.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 567. To repeal sections 40-14-1, 40-14-2, and 40-14-3 of the Code of Alabama 1975 relating to the corporation entrance fee so as to repeal said entrance fee.

Ways and Means.

By Rep. Campbell:

H. 568. To repeal Sections 40-14-70 through 74, Code of Alabama 1975 as they apply to the taxation of corporate shares of stock.

Ways and Means.

By Rep. Campbell:

H. 569. To amend the following sections of the Code of Alabama 1975: Sections 40-14-4, 40-14-21, 40-14-41, 40-14-43, 40-14-44, 40-14-47, 40-14-48, 40-14-50; and to repeal the following sections of the Code of Alabama 1975: Sections 40-14-22, 40-14-23, 40-14-40, and 40-14-42; which relate to corporate qualifications to do business in this state, corporation annual permit requirements and permit fees, franchise tax levy, basis for filing, remittance, administration and assessment, so as to make those aspects of the law provide equal treatment to both domestic and foreign corporations; to change the delinquency period for remittance, and to amend the distribution formula.

Ways and Means.

By Rep. Turner:

H. 570. To amend Sections 22-23-32, 22-23-43, 22-23-44, and 22-23-49 and repeals Section 22-23-42, Code of Alabama 1975, which provides for the Alabama Safe Drinking Water Act of 1977, so as to provide further for the issuance of permits for the construction or modification of any public water system.

State Administration.

By Rep. Harper:

H. 571. To amend Section 33-1-8, Code of Alabama 1975, which provides for the membership on the State Docks Advisory Committee, so as to include the Executive Director of the Greater Mobile Port Council on the Committee.

Ways and Means.

By Rep. Harper:

H. 572. To provide for a supplemental appropriation for the current fiscal year ending September 30, 1983, from the board of certification of heating and air conditioning fund in the state treasury to the board of heating and air conditioning contractors and to provide for the carry over of unused monies in said fund from fiscal year to succeeding fiscal years.

Ways and Means.

By Rep. Turner:

H. 573. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff

election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

State Administration.

By Reps. Layton, Wright, Starr, Murphy, Lauderdale, Payne, Blakeney, White (L), Drinkard, Johnson (Al), Smith, Johnson (Roy), Laird, Moore, Holley, Junkins, Reed, Clikas, Browder, Rains, Newman, Starkey, Freeman, Butler, Warren, Carter, Cosby, Stout, Martin, Harvey, Richardson, Williams, Grimsley, Blake, Brakefield, Davis, Horn, Rogers, Hall, Mitchell, Mathis, Holmes, Langford, Turner, Buskey, Box, Brooks, Trammell, Howard, Escott, Parker, Ford, Ashley, Turnham, Carothers, Flowers, Wilson, Bennett, Albright, Goodwin, Waggoner, Seibels, Hettinger, Coleman, Casey, Rice, Crow, Adams and McMillan:

H. 574. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

State Administration.

By Reps. Smith, Kvalheim, Laird and Gaston:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Small Business.

By Rep. Drinkard:

H. 576. To provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Ways and Means.

By Rep. Martin:

H. 577. To amend Section 36-6-1, Code of Alabama 1975, to further provide for the time of payment of the salaries of all officers and employees of the State of Alabama who are paid an annual salary.

Ways and Means.

By Reps. Nicholson, Brakefield, Newman, Lauderdale, Ashley, Layton, Waggoner, Butler, Freeman, Goodwin, Dutton, Coleman, Laird, Carothers, White (L), Mathis, Johnson (RG) and Browder:

H. 578. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount to be used to fund courses of instruction in the driving of trucks.

Ways and Means.

By Rep. Penry:

H. 579. To provide for Public Service Commission jurisdiction over the safety of spur tracks, sidetracks, and rolling stock not owned by railroads, but either used by railroads or used on the tracks of railroads subject to the jurisdiction of the Commission.

Commerce and Industrial Development.

By Rep. Horn:

H. 580. Relating to elections, to establish, operate and maintain a statewide voter file maintenance system as a service to boards of registrars, such system to provide to the boards of registrars a list of the names of persons who are deceased, convicted of disqualifying crimes, who failed to vote for four consecutive years, or are otherwise no longer qualified to vote as provided by law; to provide that any elector who fails to vote at least once within a period of four consecutive years shall be removed from the list of active voters; to repeal voter reidentification laws upon completion of reidentification process; to provide for severablility; and, to provide effective dates.

Ways and Means.

By Rep. Horn:

H. 581. To create a State Pari-mutuel Racing Commission; to provide for said commission members, terms, duties, and compensation; to further provide that all funds derived from pari-mutuel betting shall be paid to the commission; to provide for the distribution of said funds; and to repeal conflicting laws.

State Administration.

By Reps. Smith, Turnham, Moore, Brakefield, Bennett, Murphy, Richardson, Faulk, Martin, Grouby, Warren, Mathis, Drinkard, Grimsley, Blakeney, Preuitt, White (F), Gaston, Blake, Newman, Harvey, Coleman, Parker, Laird, Lauderdale, Hall, Hettinger, Mitchell, Venable, Owens, Carothers, Trammell, Cosby, Browder, McMillan, Boles, Johnson (Roy), Layton, Crow, Williams, Holley, Junkins, Butler, Carter, Ashley, Penry, Zoghby, White (L), Wright, Bowling, Goodwin, Dutton, Nicholson, McKee, Rice, Johnson (Al), Stout, Johnson (RG), Biddle, Minus, Albright, Lewis, Waggoner, Howard, Clark, Freeman, Brooks, Melton, Turner, Box, Kennedy, Langford and Hammett:

H. 582. To exempt the Alabama 4-H Club Foundation, Inc., from all state, county and municipal sales and use taxes.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Stout:

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.

WHEREAS, the Alabama Legislature is eager and proud to recognize those who have, by their works, heightened the appreciation and love of art; and

WHEREAS, the Legislature is equally proud to focus attention on those artists of other states who bring attention to the State of Alabama and its various counties and cities; and

WHEREAS, the nationally renowned artist-naturalist Ben Hampton has beautifully exemplified a scene from rural DeKalb County in his recent painting, "Plum Thicket," as well as several other Northeast Alabama scenes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and honor Ben Hampton for his artistic endeavors and most especially praise him for his work, "Plum Thicket."

BE IT FURTHER RESOLVED, That Mr. Hampton receive a copy of this resolution that he be aware of the warm regard and best wishes offered by the Alabama Legislature.

On motion of Rep. Stout, the rules were suspended and the resolution, H. J. R. 137, was adopted.

Also:

By Reps. Wilson, Starr, McKee, Holmes and Langford:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates Kyle David Sawyer of Montgomery's Jefferson Davis High School, recipient of the 24th Annual Jimmy Hitchcock Memorial Award for "outstanding Christian leadership in athletics"; and

WHEREAS, David Sawyer received the coveted award during impressive ceremonies on May 9, 1983, and was selected from a field of 50 outstanding young high school athletes in the Montgomery area; and

WHEREAS, an all-state football center, David was a three-year starter in every game for the Volunteers and in addition to a clean sweep of all-state honors this past season, he earned all-city honorable mention as a sophomore, and was named to the all-city team both his junior and senior years, and is the recipient of a number of previous awards for excellence; and

WHEREAS, in addition to his numerous athletic accomplishments, David also is president of the Student Council and of the First Baptist Church Youth Council; academically he ranks 14th in his class with a 3.94 grade point average and is a member of the National Honor Society and the Mathematics Honor Society as well; and

WHEREAS, David further was voted by his classmates as "Best All-

Around" and "Most Likely to Succeed," an assessment of his peers and the consensus of those who have known him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Kyle David Sawyer of Montgomery, Alabama, both for athletic excellence and for outstanding leadership through qualities of strength, character and high moral standards.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to David Sawyer and to his parents, Mr. and Mrs. John Sawyer, that they may know we share great pride in David's accomplishments, and personal interest in his promising future as a leader among men.

On motion of Rep. Wilson, the rules were suspended and the resolution, H. J. R. 138, was adopted.

Also:

By Reps. Coburn, Casey, Johnson (Roy), Holley, Williams, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright, and Zoghby.

H. J. R. 139.

WHEREAS, Mr. Lewis Lehr is the Chairman and Chief Executive Officer of 3M Company; and

WHEREAS, Mr. Lewis Lehr commenced his employment with 3M Company in the year 1953, and rapidly rose to the position he now assumes in that great corporation; and

WHEREAS, 3M is the largest employer in the State of Minnesota and currently has three plants in the State of Alabama; and

WHEREAS, Mr. Lewis Lehr is a student not only of the civic affairs in his state and world, but also in the political arena, having devoted, unselfishly, many hours of his time in each endeavor, and

WHEREAS, during the executive tenure of Mr. Lehr, 3M has had tremendous growth not only in the State of Minnesota but throughout the free world; and

WHEREAS, Mr. Lehr is extremely knowledgeable and possesses expertise in the realm of economic development and other matters which are of great interest and will prove extremely valuable to the Legislature of the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a cordial and warm invitation, and by these presents, we do hereby invite Mr. Lewis Lehr,

Chairman and Chief Executive Officer of 3M, to address the Alabama Legislature in Joint Session on the 2nd day of June, 1983, at 11:30 A. M. o'clock, or at a time to be determined by the Presiding Officers of the two Houses.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Lewis Lehr by the Clerk of the House.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. J. R. 139, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 36. COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.

Also:

S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.

Also:

S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.

Also:

S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.

Also:

S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

Also:

S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

Also:

S. J. R. 50. Resolution in recognition of Coach Eddie Stanky's outstanding achievements, service and dedication to the University of South Alabama, to the Jaguar baseball team and to the sport of baseball.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson, (Roy):

H. J. R. 140. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 12, 1983, we adjourn to meet again on Tuesday, May 17, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended, and the resolution, H. J. R. 140, was adopted.

Also:

By Rep. Johnson, (Roy):

H. R. 141. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 12, 1983, we adjourn to meet again on Tuesday, May 17, 1983, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 141, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

WHEREAS, the Alabama Legislature notes with deep sorrow the death of Mrs. Ruth Lawson Hanson of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, Mrs. Hanson was the widow of the late Victor H. Hanson, Birmingham News owner and publisher, and following her husband's death, served as the newspaper's chairman of the board for a number of years; and

WHEREAS, following the sale of the News in the 1950's, Mrs. Hanson diverted her energies and efforts to numerous civic and philanthropic affairs, most particularly concentrating on the fight against diabetes, and support of Birmingham-Southern College; and

WHEREAS, Mrs. Hanson, in personal contribution to the University of Alabama Medical School in Birmingham, endowed a chair of medicine in diabetes and metabolism, and her support of fund-raising efforts was instrumental in the establishment of the Diabetes Research and Education Center at UAB; and

WHEREAS, she was further instrumental in the establishment of scholarships at Birmingham-Southern College and for a women's residence hall on campus as well as other physical improvements; she was entirely generous both in personal financial support and in unselfish sharing of her time and efforts; and

WHEREAS, it is to be noted with deep admiration that much of the beauty in Mrs. Hanson's benevolence was in the anonymity of her sharing with others, and her only reward was the joy and satisfaction of having thus shared; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Ruth Lawson Hanson of Birmingham, Alabama; we further extend our most heartfelt sympathy to her family, whose sorrow we truly share and to whom a copy of this resolution shall be sent.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 142, was adopted.

Also:

By Rep. Langford:

H. R. 143. CONDEMING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHA'I RELIGIOUS FAITH.

WHEREAS, the Baha'i faith is an established religious body, with Iran its country of origin, dating from the middle 1800's; and

WHEREAS, worldwide, there are some five million followers of the Baha'i faith, of whom 100,000 or more live in the United States, including hundreds in our own State of Alabama; and

WHEREAS, is Iran, however, the birthplace of Baha'iism, the Baha'i faithful have been subjected to blatant harassment and persecution, a practice of such widespread magnitude and frequency as to clearly reflect the obvious intent of the Iranian government to totally destroy the Baha'i community in that country; and

WHEREAS, during the past several years, literally scores of Baha'is have been executed and many hundreds more imprisoned; there have been untold instances of torture and, by comparison, such relatively minor acts of harassment as the seizure of bank funds and destruction of personal property within the Baha'i community; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we unanimously and vehemently condemn the persecution of and atrocities committed against the Baha'i community in Iran; we further call upon the Iranian government to take immediate action to bring an end to the brutal executions of innocent human beings whose right to worship must be recognized and upheld.

On motion of Rep. Langford, the rules were suspended and the resolution, H. R. 143, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 8. COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

Also:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY

79 AS "GOODYEAR BOULEVARD."

Also:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN MCMILLAN, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

Also:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

Also:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

Also:

S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

Also:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

Also:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

Also:

S. J. R. 73. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF GIRLS' BASKETBALL AND TRACK TEAMS.

McDOWELL LEE,

Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Langford:

H. J. R. 144. CONDEMING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHA'I RELIGIOUS FAITH.

WHEREAS, the Baha'i faith is an established religious body, with Iran its country of origin, dating from the middle 1800's; and

WHEREAS, worldwide, there are some five million followers of the Baha'i faith, of whom 100,000 or more live in the United States, including hundreds in our own State of Alabama; and

WHEREAS, in Iran, however, the birthplace of Baha'iism, the Baha'i faithful have been subjected to blatant harassment and persecution, a practice of such widespread magnitude and frequency as to clearly reflect the obvious intent of the Iranian government to totally destroy the Baha'i community in that country; and

WHEREAS, during the past several years, literally scores of Baha'is have been executed and many hundreds more imprisioned; there have been untold instances of torture and, by comparison, such relatively minor acts of harassment as the seizure of bank funds and destruction of personal property within the Baha'i community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unanimously and vehemently condemn the persecution of and atrocities committed against the Baha'i community in Iran; we further call upon the Iranian government to take immediate action to bring an end to the brutal executions of innocent human beings whose right to worship must be recognized and upheld.

On motion of Rep. Langford, the rules were suspended and the resolution, H. J. R. 144, was adopted.

Also:

By Rep. Minus:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

WHEREAS, in dedicated and responsible service, Mr. John W. Snider, Sr., was employed with the City of Livingston in Sumter County, Alabama, since 1959, first serving with the all volunteer fire department, and later being appointed as Fire Chief by Mayor W. D. Moore in 1964;

WHEREAS, Mr. Snider's tenure, which has been under three Mayors and as many city managers, provided Livingston with a continuity of excellent service that few Alabama municipalities enjoy; and

WHEREAS, in addition to his duties as Fire Chief, he was also fiscal officer of all operations with responsibility for a budget of some $125,000.00; and

WHEREAS, although Mr. Snider's staff expanded from an all volun-

teer group in 1959 to five full time employees and twenty volunteer firemen today, he remained on call seven days a week; and

WHEREAS, not only was Mr. Snider responsible for fire protection in Livingston, but also for ambulance service not only in Livingston, but also within the entire county; and

WHEREAS, Mr. Snider was long considered by many city officials as one of Livingston's most valuable employees, an opinion shared by many citizens who have benefited from his years of loyal, devoted, and conscientious service in their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. John W. Snider, Sr., for outstanding achievement during his tenure of service with the City of Livingston, Alabama.

BE IT FURTHER RESOLVED, That Mr. Snider receive a copy of this resolution that he and his family may be aware of this body's deep admiration and esteem.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 145, was adopted.

Also:

By Rep. Venable:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

WHEREAS, The Legislature of Alabama notes with deep sorrow and regret the death of Mr. Onis Glenn of Wetumpka, Alabama, on April 30, 1983, at the age of 74 years; and

WHEREAS, Mr. Glenn, who was serving as a City Councilman at the time of his death, was first elected to the municipal governing body in 1972, and was subsequently twice re-elected to his post; prior to council service, he had been a member of the Wetumpka Water Works and Sewer Board; and

WHEREAS, In addition to many years of public service, Mr. Glenn also was a former prominent area businessman for some 29 years; he was a member of the First Baptist Church of Wetumpka and was associated through the years with a number of civic and community organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we grievously mourn the death of Mr. Onis Glenn of Wetumpka, Alabama, and extend our deepest sympathy to his wife, Mrs. Cynthia Arant Glenn, his son, Onis Glenn, Jr., and to all other family members as well.

BE IT FURTHER RESOLVED, That the family of Mr. Onis Glenn shall receive a copy of this resolution that they may know of our sincerely shared sorrow in the loss of a dedicated public servant and prominent community leader.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 146, was adopted.

Also:

By Reps. Venable and White, L:

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

WHEREAS, the Wind Creek Mummers of Alexander City State Junior College maintains a high level of talent and performance as folk tale tellers; and

WHEREAS, this group aids and encourages through their efforts the preservation of our rich oral tradition; and

WHEREAS, they spend many hours bringing to the citizens of Alabama Laughter, fond memories, and exciting recollections of our rich heritage; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend most highly the Wind Creek Mummers for their contribution to the people of the State of Alabama.

BE IT FURTHER RESOLVED, That, the Wind Creek Mummers be designated The Alabama Folk Theatre.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

By Reps. Browder, Crow, Campbell, Casey and Bennett:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

WHEREAS, the Alabama Legislature, with utmost pride and pleasure, notes that the Jacksonville State University Gamecocks have been awarded the Gulf South Conference coveted All-Sports Trophy for 1983; and

WHEREAS, in earning its second consecutive All-Sports Trophy, which represents the Gulf South Conference's finest athletic program, Jacksonville State won two championships and finished in the upper division in six other sports; their total accumulation of 51 points stood far and above the second-place team's 37 points; and

WHEREAS, firmly established as one of the top five Division II schools, athletically, in the nation, JSU's program is truly outstanding and its reputation for excellence has been attained in one of the toughest conferences in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in great personal pride, we hereby most highly commend and congratulate Jacksonville State University as the recipient of the 1983 Gulf South Conference All-Sports Trophy.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Jacksonville State University in recognition of the Legislature's highest regard for the Gamecocks, their coaches and the entire athletic program at Jacksonville State University.

On motion of Rep. Browder, the rules were suspended and the resolution, H. J. R. 148, was adopted.

Also:

By Rep. Horn:

H. R. 149. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are amended to delete Rule 31a in its entirety.

~~Rule 31a. Any bill providing for or dealing with parimutuel betting shall be treated as a general bill.~~

MOTION TO TABLE OFFERED

Rep. Rice offered the motion to table the resolution, H. R. 149.

SUBSTITUTE MOTION OFFERED

Rep. Turner offered the substitute motion to postpone the resolution, H. R. 149, to the thirtieth legislative day.

SUBSTITUTE TO SUBSTITUTE ADOPTED

Rep. Holmes offered the substitute motion to the substitute offered by Rep. Turner, to temporarily postpone the resolution, H. R. 149, and it was adopted.

BILLS ON THIRD READING

And the bill:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge and the circuit clerk of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge and circuit clerk.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 38:

A BILL
TO BE ENTITLED
AN ACT

Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, Alabama, the judge of probate, the members of the county commission, the tax assessor, the tax collector and the district judge shall be entitled to additional expense allowances retroactive to January 1, 1983, as follows: The judge of probate shall be entitled to

an expense allowance of $325 per month; each member of the county commission shall be entitled to an expense allowance of $385 per month; such tax assessor and tax collector shall each be entitled to an expense allowance of $335 per month; such district judge shall be entitled to an expense allowance of $100 per month.

Section 2. Effective August 31, 1984, the prescribed amounts of the expense allowances prescribed in Section 1 of this act for such judges and county officials shall be doubled. Provided further, that at the beginning of the next term of office for the judge of probate, the tax assessor, the tax collector and the members of the county commission, the additional expense allowances herein provided for such officials shall be incorporated into their base salaries which shall be paid to them in lieu of these expense allowances; provided, however, that this proviso shall not affect the district judge who shall continue to receive the expense allowances herein provided for in addition to their salaries.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Casey, Clark, Clikas, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holmes Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Lauderdale, Layton, Mathis, Melton, Moore, Newman, Parker, Penry, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starr, Thomas, Turner, Turnham, Waggoner, White (F), White (L), Williams, Wilson, Wright, and Zoghby.

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And the bill:

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper,

Harvey, Hettinger, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Langford, Lauderdale, Layton, Mathis, Moore, Newman, Parker, Reed, Richardson, Sasser, Seibels, Starkey, Starr, Thomas, Turner, Waggoner, White (F), White (L), Williams, Wilson, Wright, and Zoghby.

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H. 44 and 45 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bills, H. 44 and 45, were temporarily postponed.

And the bill:

H. 423. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Cosby, Crow, Dutton, Flowers, Gaston, Goodwin, Hall, Harper, Harvey, Hettinger, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kvalheim, Lauderdale, Layton, McKee, Mathis, Melton, Newman, Parker, Preuitt, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starr, Trammell, Turner, Venable, White (F), White (L), Williams, Wilson Wright, and Zoghby.

—56

And the bill:

H. 335. Relating to selling and redeeming Lands for taxes in Henry County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Box, Brooks, Browder, Bryant, Butler, Carter, Clark, Clikas, Crow, Dutton, Flowers, Gaston, Goodwin, Grimsley Grouby, Hall, Harper, Harvey, Hettinger, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, Mathis, Melton, Moore, Newman, Parker, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starr, Thomas, Venable, White (F), Williams, Wilson, Wright, and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Bryant, Butler, Casey, Clark, Clikas, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, McKee, Mathis, Moore, Newman, Parker, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starr, Thomas, Turner, Venable, Warren, White (F), Williams, Wilson, Wright, and Zoghby.

—55

And the bill:

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brooks, Browder, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Gaston, Grouby, Hall, Harper, Hettinger, Holmes, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Langford, Lauderdale, McKee, McMillan, Martin, Mathis, Melton, Moore, Newman, Parker, Penry, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starr, Thomas, Turner, Turnham, Venable, White (F), Williams, Wilson, Wright, and Zoghby.

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And the bill:

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grand authority to the Chilton County Health Department to

enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hetinger, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Moore, Newman, Parker, Penry, Rains, Rice, Richardson, Sasser, Scott, Smith, Thomas, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright, and Zoghby.

—60

And the bill:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Newman, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Reed, Rice, Richardson, Roger, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 140. SETTING LEGISLATIVE MEETING DAYS, MAY 12 TO MAY 17.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING

Rep. Box filed the following Notice In Writing:

Notice is hereby given that on the next Legislative Day, a motion will be made to amend House Rule 8 as follows:

Rule 8. Any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, that a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, that no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules. And provided further, that any resolution from the Committee on Rules may be amended on the floor of the House by a vote of a majority of the members present and voting.

NOTICE IN WRITING

Rep. Box filed the following Notice In Writing:

Notice is hereby given that on the next Legislative Day a motion will be made to change the Rules of the House by adding the following language to House Rule 21. No matter, once tabled, may be taken from the table unless the Rules of the House are suspended.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 140. RELATIVE TO LEGISLATIVE MEETING DATES, THURSDAY, MAY 12, 1983 AND TUESDAY, MAY 17, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,

Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill, H. 493, was taken up.

The question was then on the adoption of the amendment offered by Rep. Stout, to the bill, H. 493, on the seventh legislative day.

MOTION TO POSTPONE

Rep. Johnson, (Roy), offered a motion to postpone the bill, H. 493, with pending amendment, to the thirtieth legislative day.

MOTION TABLED

On motion of Rep. Adams, the motion offered by Rep. Johnson, (Roy), to the bill, H. 493, was tabled.

Yeas 57; Nays 36.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Freeman, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Minus, Murphy, Payne, Penry, Preuitt, Rice, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Stout, Venable, Waggoner, Wilson, Wright, and Zoghby.

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Nays:

Reps. Albright, Bennett, Blakeney, Box, Bryant, Buskey, Carothers, Clark, Crow, Escott, Faulk, Gaston, Holley, Holmes, Howard, Johnson (Roy), Langford, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Poole, Rains, Sasser, Smith, Thomas, Trammell, Turner, Turnham, Warren, White (F), and White (L).

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NOTICE IN WRITING FILED

Rep. Albright filed the following Notice In Writing:

Notice is hereby given that on the next succeeding or Legislative Day a motion will be made to amend the rules of the House to delete Rule 31a in its entirety.

H. 493 RESUMED

The question was again on the adoption of the amendment offered by Rep. Stout to the bill H. 493.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy), to indefinitely postpone the bill, H. 493, with pending amendment, was lost.

Yeas 29; Nays 57.

Yeas:

Reps. Blakeney, Box, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Faulk, Gaston, Holmes, Johnson (Roy), Kennedy, Langford, Mathis, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Thomas, Trammell, Turner, Turnham, Warren, and White (F).

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Nays:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Brakefield, Browder, Butler, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Melton,

Minus, Murphy, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Starr, Stout, Thornton, Venable, Waggoner, Williams, Wilson, Wright, and Zoghby.

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H. 408 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 408, from the Standing Committee on Judiciary to the Standing Committee on Natural Resources.

H. 493 RESUMED

The question was again on the adoption of the amendment offered by Rep. Stout, to the bill, H. 493.

MOTION TO POSTPONE ADOPTED

Rep. Johnson, (Roy), offered a motion to postpone the bill, H. 493, with pending amendment, to the twenty-ninth legislative day and moved to indefinitely postpone the motion.

And the motion was adopted.

Yeas 48; Nays 35.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Brakefield, Browder, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Murphy, Payne, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Starr, Stout, Venable, Waggoner, Williams, Wilson, and Wright.

—48

Nays:

Reps. Blakeney, Box, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Escott, Faulk, Gaston, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Thomas, Thornton, Trammell, Turner, Turnham, Warren, and White (F).

—35

The question was again on the adoption of the amendment offered by Rep. Stout, to the bill, H. 493.

And the amendment was adopted.

Yeas 47; Nays 38.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Brakefield, Browder, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Goodwin, Grimsley, Grouby, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Martin, Murphy, Payne, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Starr, Stout, Thornton, Venable, Waggoner, Williams, Wilson, Wright, and Zoghby.

—47

Nays:

Reps. Blakeney, Box, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Escott, Faulk, Freeman, Gaston, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Kvalheim, Langford, McKee, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Thomas, Trammell, Turner, Turnham, Warren, and White (F).

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And the bill, H. 493, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 35.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Bowling, Brakefield, Browder, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Goodwin, Grouby, Hammett, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Martin, Murphy, Parker, Payne, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Stout, Venable, Waggoner, Williams, Wilson, and Wright.

—45

Nays:

Reps. Box, Bryant, Carothers, Clikas, Crow, Escott, Faulk, Gaston, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, McKee, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Warren, and White (F).

—35

MOTION TO RECONSIDER LOST

Having voted on the prevailing side by which the bill, H. 493, was passed, Rep. Adams moved to reconsider that vote and to lay that motion on the table.

And the motion was lost.

Yeas 38; Nays 38.

Yeas:

Mr. Speaker, Adams, Blake, Bowling, Brakefield, Browder, Carter, Casey, Coburn, Coleman, Cosby, Davis, Dutton, Goodwin, Grouby, Hammett, Harvey, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Martin, Payne, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Stout, Venable, Waggoner, Williams, and Wright.

—38

Nays:

Reps. Blakeney, Box, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Escott, Faulk, Gaston, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, McKee, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Starr, Thomas, Trammell, Turner, Turnham, Warren, White (F), and Wilson.

—38

MOTION TO RECONSIDER LOST

The motion offered by Rep. Adams to reconsider the bill, H. 493, was lost.

Yeas 41; Nays 42.

Yeas:

Reps. Blakeney, Box, Bryant, Buskey, Carothers, Clark, Clikas, Crow, Escott, Faulk, Gaston, Grimsley, Hall, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Kvalheim, Langford, McKee, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Rains, Sasser, Smith, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Warren, White (F.), and Wilson.

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Nays:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Bowling, Brakefield, Browder, Carter, Casey, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Goodwin, Grouby, Harvey, Hettinger, Johnson (A.L.), Johnson (R.G.), Junkins, Laird, Lauderdale, Layton, Lewis, McMillan, Martin, Murphy, Payne, Penry, Preuitt, Rice, Rogers, Seibels, Starkey, Stout, Waggoner, Williams, Wright, and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bill and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 A.M. on May 12, 1983.

H. 127

H. J. R. 121

H. J. R. 122

H. J. R. 116

Delivered to the Governor at 1:40 P.M. on May 12, 1983.

H. J. R. 140

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Coburn, and pursuant to the resolution, H. R. 141, heretofore adopted, the House adjourned until 2:00 o'clock, p.m., Tuesday, May 17, 1983.

NINTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 17, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Henry L. Smith, Pastor, First Presbyterian Church, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Clark, the rules were suspended and the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson, (Roy):

H. J. R. 150. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 17, 1983, we adjourn to meet again on Thursday, May 19, 1983.

On motion of Rep. Johnson, (Roy), the rules were suspended and the

resolution, H. J. R. 150, was adopted.

Also:

By Rep. Johnson, (Roy):

H. R. 151. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 17, 1983, we adjourn to meet again on Thursday, May 19, 1983, at 1:00 p.m.

On motion of Rep. Johnson, (Roy), the rules were suspended and the resolution, H. R. 151, was adopted.

Also:

By Rules Committee:

H. R. 152. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business May 17, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Bowling:

H. 420 p. 78 Franchise tax, domestic corporations

By Mr. Campbell:

H. 395 p. 79 Table wine

By Mr. Johnson (Roy):

H. 73 p. 6 Elderly persons, facilities

By Mr. Holmes:

H. 128 p. 16 Shakespeare Festival

By Mr. Johnson (Roy):

H. 446 p. 62 CPR training

By Mr. Hall:

H. 498 p. 91 State owned motor vehicles

By Mr. Harvey:

H. 54 p. 15 Motor carrier registration

By Mr. Harvey:

H. 55 p. 15 PSC, gas pipeline

By Mr. Ashley:

H. 441 p. 58 Port Authority

By Mr. Holley:

H. 134 p. 54 Prisons

By Mr. Turner:

H. 457 p. 55 Bar pilot bill

By Mr. Buskey:

H. 517 p. 96 Vehicle size and weight

By Mr. Williams:

H. 105 p. 21 Food stamps

By Mr. Carothers:

H. 142 p. 6 Compact bill

By Mr. Turner:

H. 36 P. 27 Appoint hospital boards

By Mr. Williams:

H. 263 p. 22 Youthful offender proceedings

By Mr. Carothers:

H. 148 p. 74 Contracts less than $10,000

By Mr. Harper:

H. 68 p. 71 Oyster bill

By Mr. Holley:

H. 375 p. 41 General bonding requirements

By Mr. Holley:

H. 376 p. 41 Trip permits

By Mr. Turner:

H. 33 p. 13 Drivers license renewal

On motion of Rep. Clark, the resolution, H. R. 152, was adopted.

BILLS ON SECOND READINGS

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments and it was read a second time and placed on the Calendar, to-wit:

H. 197. (With Amendments): To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 309. (With Amendment): To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions so as to specify the date on which the elements of a civil action for injury to the persons or rights of another shall first be deemed to accrue.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

H. 504. To provide for a special recording fee of $1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

H. 519. To provide for branch banking in Pickens County.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 520. (With Amendment): Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

H. 85. Relating to Jefferson County; authorizing the sheriff to employ

an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

H. 312. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

H. 324. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 424. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Rep. Turner Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 475. (With Amendment): Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; and providing for the forfeiture of certain funds upon falsification of registration forms.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 542. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

CO-SPONSOR ADDED

Rep. Dutton was added as co-sponsor to the bill, H. 322.

LEAVE OF ABSENCE

At the request of Rep. Turner, leave of absence was granted for Rep. Zoghby.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Mitchell (With Notice and Proof):

H. 583. Relating to Tuscaloosa County; to further provide for the distribution of the beer tax levied by Section 28-3-190 of the Code of Alabama 1975.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Zoghby:

H. 584. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Public Welfare.

By Rep. Richardson:

H. 585. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than $10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Agriculture and Forestry.

By Reps. Hettinger, Hall, Albright, Butler and Freeman:

H. 586. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

Ways and Means.

By Rep. McKee:

H. 587. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Ways and Means.

By Rep. Campbell:

H. 588. To levy an excise and privilege tax on the severance of limestone and dolomite from the soil of Alabama at the rate of $.10 per ton severed and provides that the product will be exempted when purchased for out of state use. Proceeds shall be distributed to the General Fund.

Ways and Means.

By Rep. Waggoner:

H. 589. To amend Section 40-9-12, Code of Alabama 1975, which provides for exemptions from taxation and licenses, so as to include Mount

Royal Towers, Inc., within the exemptions.

Ways and Means.

By Rep. Waggoner:

H. 590. To exempt the United American Veterans Gospel Truth Ministries from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Waggoner:

H. 591. To exempt the United American Veterans Association from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Coburn:

H. 592. To make a supplemental appropriation from the State General Fund for the fiscal year ending September 30, 1983, to cover partial payment of the State's share of administration costs and matching grants furnished by the Federal Emergency Management Agency.

Ways and Means.

By Reps. Payne and Seibels (With Notice and Proof):

H. 593. Relating to Jefferson County; to provide that all telephone calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Jefferson County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 593, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Starr:

H. 594. Relating to exemption from ad valorem taxation of certain enlargements, improvements and expansions of industrial development projects under the "Wallace Act;" amending Sections 11-54-23 and 11-54-31, Code of Alabama 1975, so as to provide that exemptions from ad valorem taxes of enlargements, improvements and expansions to existing projects shall not be granted when in the opinion of the municipal governing body such exemption would not conserve the general welfare; and to provide that as a condition of the lease thereof, the lessor shall agree to waive any such exemption prescribed in any law and agree to pay all ad valorem taxes thereafter accruing on such property.

Local Government.

By Rep. Starr:

H. 595. Relating to exemption from ad valorem taxation of property

covered by certain leases from municipal industrial development boards organized under the "Cater Act"; amending Sections 11-54-87 and 11-54-96, Code of Alabama 1975, so as to authorize any such industrial development board to require as a condition of a lease that the lessee waive any exemption from ad valorem tax on property covered by the lease and pay ad valorem taxes on such property under certain conditions.

Local Government.

By Reps. Dutton, Lauderdale and Bowling:

H. 596. Relating to agreements or contracts to grow chickens and/or eggs; to provide growers of eggs or chickens specific legal rights and remedies for anticipated or actual financial loss due to the arbitrary, capricious or bad faith failure of suppliers to complete the contract or failure to continue doing business with the growers under certain circumstances, including the authorization of punitive damages as well as actual damages.

Agriculture and Forestry.

By Rep. Ford (With Notice and Proof):

H. 597. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 597, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Martin, Carter, Parker and Dutton:

H. 598. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, for consideration, title to its real property, equipment and facilities, in Morgan County, Alabama, known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Johnson (Roy):

H. 599. To make temporary changes in the election laws of Alabama to permit the implementation of the 1983 legislative redistricting plan.

Constitution and Elections.

By Reps. Venable, White (F) and Blake:

H. 600. To make an appropriation to the department of corrections for the fiscal year ending September 30, 1984, which shall be paid to certain counties where prisoners are housed in board facilities.

Ways and Means.

By Rep. Venable:

H. 601. To amend Act No. 1158, S. 866, Regular Session 1969 (Acts 1969, p. 2163), which provides for the office of public defender in certain judicial circuits having a certain minimum state penitentiary population, so as to provide that each county having such a minimum state penitentiary population within each such circuit shall have a public defender; to provide that the governor shall appoint any such public defender for any vacancy occurring prior to the general election of 1984; and to provide that at the 1984 general election and every four years thereafter, a public defender shall be elected.

Ways and Means.

By Reps. Holmes, Buskey, Thomas, Escott, Nevett, Melton, Howard, Davis, Thornton, Langford, Bryant and Reed:

H. 602. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Business and Labor.

By Reps. Holmes, Buskey, Thomas, Nevett, Escott, Melton, Howard, Davis, Thornton, Bryant, Langford and Reed:

H. 603. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Business and Labor.

By Rep. Owens:

H. 604. To amend Section 40-21-83 and 40-21-103 of the Code of Alabama 1975, as amended, which relate to exclusions from the state utility gross receipts tax and the state utility service use tax, so as to exclude public housing authorities as defined by Title 24, Code of Alabama 1975, from such taxes.

Ways and Means.

By Reps. Laird, Venable, White (L), Johnson (AL), Junkins, Newman, Lauderdale, Coleman, Campbell, McKee, Cosby and Richardson:

H. 605. To prohibit state agencies, departments, colleges and universities from competing with private enterprise; to create and provide for a private enterprise review commission; and to prescribe the function and purpose of such commission.

Small Business.

By Reps. Laird, Venable, White (L), Rice, Johnson (AL), Browder, Junkins, Newman, Lauderdale, Coleman, Campbell, Adams, McKee, Cosby, Richardson and Smith:

H. 606. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Small Business.

By Rep. Holmes:

H. 607. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Business and Labor.

By Rep. Sasser:

H. 608. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that upon request of a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

Judiciary.

By Reps. Penry and McMillan (With Notice and Proof):

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 609, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Penry:

H. 610. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

Agriculture and Forestry.

By Rep. Wilson:

H. 611. To amend Section 3-1-13, Code of Alabama 1975, relating to the powers of any town or municipality to take or otherwise dispose of certain abused and neglected animals so as to provide further therefor; to authorize any town or municipality to contract with humane societies, under certain conditions, for such services; to provide for a district court hearing on the merits of the taking or disposal of such animal; to provide for the continuation of certain police powers in such matters; and to provide for recovery of certain costs.

Judiciary.

By Reps. Coleman, White (L), Blake, Junkins, Newman, Lauderdale, Wright, Smith, Cosby, Richardson and Flowers:

H. 612. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits

the period for the issuance of bonds.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Moore and Smith:

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

WHEREAS, the Alabama Mothers Association annually names the Alabama Mother of the Year and for 1983 selected Mrs. Betty Jean Cline Pryor of Helena, Alabama; and

WHEREAS, Mrs. Pryor, the mother of four children, is a physical education teacher at Thompson Middle School; she also serves as organist at Pelham United Methodist Church and is active in the organization of Church youth programs; and

WHEREAS, Mrs. Pryor's selection as Mother of the Year was based on her embodiment of those traits highly regarded in mothers such as courage, cheerfulness, patience, affection, kindness, understanding and a homemaking ability; and

WHEREAS, she further unquestionably fullfils other qualifications of the association's Search Committee in her sense of responsibility in civic affairs, activities in public service and church involvement, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mrs. Betty Jean Cline Pryor of Helena, Alabama, as Alabama's Mother of the Year for 1983; we further direct that Mrs. Pryor receive a copy of this resolution that she, her children and other family members may know of our sincere praise and warmest personal regard.

On motion of Rep. Moore, the rules were suspended and the resolution, H. J. R. 153, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 154. COMMENDING MRS. TEX WHALEY, PROMINENT PIKE COUNTY EDUCATOR.

Also:

By Reps. Waggoner and Carter:

H. R. 155. EXTENDING BEST WISHES TO MRS. SARAH ELIZABETH PEPPER THOMAS ON THE OCCASION OF HER 102ND BIRTHDAY.

Also:

The following resolutions were introduced:

By Rep. Payne:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

WHEREAS, by virtue of victory over previously unbeaten Mountain Brook, in two straight matches, the Hewitt-Trussville Junior High School team won the Jefferson County Junior High Volleyball Tournament in late October 1982; and

WHEREAS, under the talented leadership of Head Coach Jackie Davis, Hewitt posted a league record of eight wins and three losses, receiving the championship trophy on a combination of both league and tournament wins; and

WHEREAS, the Hewitt-Trussville Volleyball Champs are: Jean Fields, Tina Hollis, Kim Jacobs, Cathy Jones, Gwen Jones, Sheila Nestor, Angie Oakes, Wendy Rinks, Captain Kelly Smith, Missy Tuck, Helen Turner and Stephanie Whittington, each of whom greatly contributed to the team's outstanding season and the county championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Hewitt-Trussville Junior High School Girls Volleyball Team on the Jefferson County Championship and direct that both the team and Coach Davis receive copies of this resolution, with a copy also provided for appropriate school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 156, was adopted.

Also:

By Reps. Buskey, Kennedy and Clark:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

WHEREAS, Mr. Nathaniel Alex Richardson, principal of Ariel W. Holloway Elementary School in Mobile, Alabama, has announced his retirement to coincide with the conclusion of the current school term; and

WHEREAS, Mr. Richardson, whose career is distinguished both in length of tenure and in accomplishment, has served in public education in Alabama for 43 years, 26 of those years as a principal in Mobile County; and

WHEREAS, he has dedicated his life and energies to the youth of Alabama and has worked tirelessly to ensure that the children of Alabama receive the education they need and deserve; and

WHEREAS, Mr. Richardson and his wife, Mrs. Pearl Richardson, are the parents of four children—Palmer, James, Nathaniel, Jr., and Alberta—all of whom are teachers in Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Nathaniel Alex Richardson of Mobile, Alabama, on his distinguished educational career and express our sincere appreciation for his dedicated service on behalf of the youth of Alabama and most particularly in Mobile County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Mr. Richardson that he may know of our sincere warm praise and

highest regard.

On motion of Rep. Buskey, the rules were suspended and the resolution, H. J. R. 157, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

Reps. Kennedy, Clark, Box, Turner and Buskey:

H. R. 158. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Kennedy, Turner, Clark, Box and Buskey:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of Mrs. Rosie S. Duncan of Mobile, Alabama, on May 14, 1983, at the age of 77 years; and

WHEREAS, Mrs. Duncan, who was a native and a life-long resident of Mobile, was a retired teacher of the Mobile County Public School System; as an active educator, she had been professionally affiliated with both the Alabama and National Education Associations and, in retirement, active in membership with the Retired Teachers' Association; and

WHEREAS, she was a lifelong member of Stewart Memorial Christian Methodist Episcopal Church where she was ever faithful in attendance, and deeply committed in service as a former member of the Trustee Board and Director of the Board of Christian Education, and as a member of the Stewardess Board in which capacity she was serving at her death; and

WHEREAS, Mrs. Duncan, who also was prominent in civic and community involvement, was a Charter Member of the Lula B. Leeper Federated Club and had served as the organization's first treasurer; and

WHEREAS, the death of Mrs. Rosie S. Duncan has indeed left a deep void in her community and in the lives and hearts of those who knew and loved her as a devout Christian lady who lived her life in service to her Savior and to the needs of others, In His Name, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for her life, we grievously mourn the death of Mrs. Rosie S. Duncan of Mobile, Alabama.

BE IT FURTHER RESOLVED, That we extend sincere and deepest sympathy to her beloved husband, Mr. Fred Duncan; her devoted niece, Mrs. Carolyn Bowers of Altadena, California; her aunt, Mrs. Cleo Nichols of Mobile; and to her cousins, other relatives and friends, to whom a copy of this resolution shall be sent in declaration of our shared sorrow in their great and grievous loss.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 159, was adopted.

Also:

By Rep. Payne:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER, STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Eddie and Terry Crocker of Birmingham, Alabama, the first brothers ever to win state wrestling titles for Erwin High School; and

WHEREAS, at the Class 4A State Meet held at Jefferson State Junior College, Eddie Crocker, a 134-pound senior, wound up a 34-0 season by defeating his Huntsville opponent 11-8; and

WHEREAS, when brother Terry, wrestling for the 155-pound title as a junior, downed his Shades Valley rival 4-2, the Crocker brothers made history for Erwin High; and

WHEREAS, wrestling coach John Huber also is to be commended for his talented guidance and instruction, and for his encouragement during many long months of workouts and practice in preparation for the big state event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eddie and Terry Crocker of Birmingham, Alabama, and Erwin High School; we further congratulate them as Class 4A State Champions and direct that they and Coach Huber receive copies of this resolution in token of our admiration of their dedication and achievement, and in expression of our best wishes for every continuing success.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 160, was adopted.

Also:

By Rep. Holmes:

H. J. R. 161. WHEREAS, it is the goal of the State of Alabama to treat all of its citizens fair and equal; and

WHEREAS, it is the goal of the State of Alabama to provide equal employment opportunities to all citizens regardless of race, creed or color; and

WHEREAS, Auburn University has 975 full-time faculty and only 3 blacks and approximately 1,200 overall faculty and only 3 blacks; and

WHEREAS, Alabama State University has 163 faculty members and 71 are non-black for a percentage of 30.2; and

WHEREAS, Alabama A & M University has a total of 245 faculty members and 77 non-black for a percentage of 31.4; and

WHEREAS, Tuskegee Institute a semi-state institution has 337 faculty members and 98 non-black or 30%; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon Auburn University put forth an extra effort in the recruitment of black faculty members.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 161.

DIVISION OF THE QUESTION

Rep. Payne called for the Division of the Question, and the call as sustained.

MOTION TO SUSPEND THE RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 161 and the motion was lost lacking a four-fifths vote.

Yeas 34; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bryant, Buskey, Campbell, Clark, Clikas, Davis, Dutton, Escott, Grouby, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Langford, Lauderdale, Melton, Mitchell, Moore, Murphy, Nevett, Parker, Poole, Reed, Rogers, Scott, Thomas, Thornton and Wilson.

—34

Nays:

Reps. Carothers, Gaston, Grimsley, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Newman, Payne, Penry, Rice, Richardson, Seibels, Smith, Waggoner, White (L) and Wright.

—21

The resolution, H.J.R. 161, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Williams:

H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

WHEREAS, the Alabama Legislature notes in pleased concurrence the selection of Mrs. Martha Ibys Gallo to the Jacksonville State University Teacher Hall of Fame, a prestigious recognition accorded Mrs. Gallo from a field of five prominent Alabama teacher-educator finalists in the Secondary Division; and

WHEREAS, Mrs. Gallo, a science teacher at Daleville High School for the past 18 years, taught previously in Wicksburg and in North Alabama for some ten years; she was operating a business in Daleville, however, when she was asked to join the Daleville High faculty to fill a "temporary" staff vacancy; and

WHEREAS, Mrs. Gallo is a University of Alabama graduate with a Master's Degree from Troy State University; she is a truly dedicated teacher who in 1982 was named the most Outstanding Biology Teacher in Alabama, and she has been nominated for the Teacher Hall of Fame honor on three occasions and was in the 1980 slate of finalists for the award; and

WHEREAS, she has further served the community, and most particularly its youth, with her instrumental involvement in the establishment of a public library in Daleville; prior to such reality, Mrs. Gallo has provided library service for the community from her own private collection of books, materials and other publications; and

WHEREAS, Mrs. Gallo, who is a member of the First United Methodist Church of Daleville where she has served five years as chairman of the Administrative Board, is listed in such biographies as Personalities of the South, Outstanding Citizen of the Bicentennial Era and Biography of Outstanding Citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Mrs. Martha Ibys Gallo for faithful and outstanding service to the community and youth of Daleville, Alabama; we further congratulate Mrs. Gallo on her inclusion in the Jacksonville State University Teacher Hall of Fame.

BE IT FURTHER RESOLVED, That Mrs. Gallo receive a copy of this resolution in declaration of our deep appreciation and of our highest regard of her accomplishments.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 162, was adopted.

Also:

By Rep. Box:

H. R. 163. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended as follows.

Amend House Rule 21 to read as follows:

Rule 21. The tabling of an amendment or subsidiary motion shall not have the effect of carrying with it the original proposition. No matter, once tabled, may be taken from the table unless the Rules of the House are suspended.

H. R. 163 POSTPONED

On motion of Rep. Box, the resolution, H. R. 163, was postponed to the tenth legislative day.

Also:

By Rep. Box:

H. R. 164. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended as follows:

House Rule 8 is hereby amended to read as follows:

Rule 8. Any matter may, by a vote of a majority of the members present, be made the special order for any hour, which shall take precedence at that hour of any other business except a motion to reconsider. Provided, that a motion to make a bill or resolution a special order shall give the number of the bill or resolution. And provided further, that no bill or resolution shall be set for a special order or consideration except by a resolution reported from the Committee on Rules. And provided further, that any resolution from the Committee on Rules may be amended on the floor of the House by a vote of a majority of the members present and voting.

MOTION TO TABLE

On motion of Rep. Johnson, (Roy), the resolution H.R. 164, was tabled.

Yeas 73; Nays 9.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Casey, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Venable, Waggoner, White (L), Wilson and Wright.

—73

Nays: Reps. Box, Clark, Gaston, Harper, Kvalheim, McMillan, Penry, Scott and Turner.

—9

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST FOR HIS 26 YEARS OF OUTSTANDING SERVICE AS A MEMBER OF THE COMMUNITY HOSPITAL BOARD OF TRUSTEES.

WHEREAS, James Earnest recently retired as a member of the Walker County Medical Center's Board of Trustees, and

WHEREAS, James Earnest was appointed to the Community Hospital Board of Trustees in the year 1957, and

WHEREAS, James Earnest is the only surviving charter member of the Community Hospital trustees, which is now known as the Walker County Medical Center Board of Trustees, and

WHEREAS, the 26 years of service by James Earnest as a trustee have been ones of distinction, and have been used during which the hospital has made great strides, and has culminated in the completion of a modern medical facility located in Jasper, Alabama, and

WHEREAS, community involvement and civic responsibility are words that have never been taken lightly by James Earnest, and James Earnest has throughout his lifetime served as a model for all citizens of Walker County, and

WHEREAS, James Earnest has always been active in his community affairs, affairs of his union, his church; and because of his efforts his community and this State is a better place in which to live.

BE IT THEREFORE RESOLVED By the Legislature of Alabama, both Houses concurring, that we heartedly congratulate and commend James Earnest on his outstanding civil achievements and his retirement from the Walker County Medical Center's Board of Trustees. Resolved further that James Earnest receive a copy of this Resolution.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 165, was adopted.

Also:

By Rep. Lewis:

H. J. R. 166. REQUESTING THE GOVERNOR AND THE MAJOR POLITICAL PARTIES TO SET THE DATES FOR THE PRIMARY AND GENERAL ELECTIONS FOR LEGISLATIVE SEATS.

WHEREAS, the federal courts have recently decreed that the Alabama Legislature must be reelected in 1983; and

WHEREAS, the laws of this state provide that the Governor must set the date for the general election in all special elections for seats in the legislature; and

WHEREAS, it has been the historic and democratic procedure for the major parties to call for party primaries preceding the general election for seats in the legislature; and

WHEREAS, this is the desire of the vast majority of the people of this state and is the only democratic and fair way to nominate candidates for the major parties; and

WHEREAS, the parties cannot set the dates for primary elections until the Governor sets the date for the general election; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do call upon the Governor to set the date for the general election for seats in the legislature.

BE IT FURTHER RESOLVED, That we do call upon the major political parties to provide for primary elections for all seats in the Legislature as soon as the Governor sets the date for the general election.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to his excellency Governor George C. Wallace and to the heads of the major political parties in this state.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Lewis offered the motion to suspend the rules and adopt the resolution, H. J. R. 166.

DIVISION OF THE QUESTION

Rep. Johnson (Roy), called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND THE RULES LOST

The question was then on the motion offered by Rep. Lewis to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 166, and the motion was lost.

The resolution, H. J. R. 166, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Rep. Box filed the following Notice In Writing:

NOTICE IN WRITING

NOTICE IS HEREBY GIVEN THAT ON THE NEXT LEGISLATIVE DAY A MOTION WILL BE MADE TO AMEND THE HOUSE RULES AS FOLLOWS:

Amend House Rule 40 by adding the following:

"Any member of the House who desires to raise a point of order or a point of personal privilege shall be immediately recognized by the Speaker for the purpose of raising said point of order or point of personal privilege, and the Speaker shall rule on said point before proceeding with the business at hand."

RESOLUTIONS

The following resolutions were introduced:

By Reps. Dutton and Brooks:

H. J. R. 167. SUPPORTING THE ENLARGEMENT OF THE SIPSEY WILDERNESS AREA IN THE BANKHEAD NATIONAL FOREST.

WHEREAS, there is currently pending in the Congress of the United States legislation known as, "H. R. 2477, The Sipsey Wilderness Additions Act of 1983," cosponsored by U.S. Reps. Ronnie Flippo of Florence, Jack Edwards of Mobile, William L. Dickinson of Montgomery, Bill Nichols of Sylacauga, Richard Shelby of Tuscaloosa and Ben Erdreich of Birmingham, which proposes to enlarge the beautiful Sipsey Wilderness Area in northwest Alabama's Bankhead National Forest by approximately 29,000 acres; and

WHEREAS, the Sipsey Wilderness Area is an Alabama treasure of national reputation, as well as an attraction to visitors from throughout the United States who enjoy hunting, camping, hiking, fishing and other forms of outdoor recreation; and

WHEREAS, the enlargement of the Sipsey Wilderness Area as proposed by H.R. 2477 enjoys broad support throughout Alabama, including that of Governor George C. Wallace, the Alabama Department of Conservation and Natural Resources, the Alabama Bureau of Publicity and Information, the Alabama Mountain Lakes Tourist Association, the Alabama League of Municipalities, the Mayors of Decatur, Birmingham, Montgomery and Anniston, the Water Works Board of the City of Birmingham, a majority of the state's major newspapers, and many others; and

WHEREAS, enlarging the Sipsey Wilderness Area as proposed by H.R. 2477 will provide a permanent buffer and protection around virtually the entire upper watershed of the West Fork of the Sipsey River, which is a major source of the water flowing into Lewis Smith Reservoir, a vital tourism and residential resource in its own right, as well as a significant component of the municipal watershed and drinking water supply of Alabama's largest city; and

WHEREAS, all of the lands proposed to be included in the Sipsey Wilderness Area lie in Lawrence County, where the Wilderness enlargement has been endorsed by many citizens and community leaders, including the Moulton Advertiser, the Moulton-Lawrence County Chamber of Commerce,

the Lawrence County Elected Officials Association, and State Senator Gary L. Aldridge and State Rep. Roger D. Dutton; and

WHEREAS, the enlarged Sipsey Wilderness Area as proposed by H.R. 2477 will amount to no more than 2/10 of 1% of Alabama's 21.3 million acres of commercial timberland, and is, in all probability, the last National Forest Wilderness candidate the people of Alabama will ever have; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby strongly support and endorse the enlargement of the Sipsey Wilderness Area by approximately 29,000 acres, as proposed by "H.R. 2477, The Sipsey Wilderness Additions Act of 1983," and urge that Alabama Senators Howell Heflin and Jeremiah Denton do everything in their power to obtain approval of the legislation by the Congress of the United States as soon as possible; and

BE IT FURTHER RESOLVED, That we do hereby commend U.S. Representatives Ronnie Flippo, Jack Edwards, William L. Dickinson, Bill Nichols, Richard Shelby and Ben Erdreich for their farsighted sponsorship of this historic Alabama conservation legislation; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be provided to each member of Alabama's Congressional Delegation, and to the office of the Forest Supervisor, National Forests in Alabama, USDA Forest Service, Montgomery.

On motion of Rep. Dutton, the rules were suspended and the resolution, H. J. R. 167, was adopted.

Also:

By Rep. Minus:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

WHEREAS, Mr. George Frank Williams, Jr., of York, Alabama, is a 1978 graduate of Sumter Academy where he excelled in academics, in extra curricular activities and in school leadership; and

WHEREAS, Mr. Williams is currently attending Livingston University where he has continued his participation and leadership in campus affairs and in the community as well; and

WHEREAS, his activities on campus include membership on numerous committees and charitable drives, and in such organizations as the Owen Love Business Association, Blue Key National Honor Fraternity and the Task Force for the Southern Association of Colleges and Schools, among others; and

WHEREAS, Mr. Williams has been most particularly active with the Livingston University Interfraternity Council as a past treasurer, secretary and vice president, and currently as president; with the University SGA as Freshman and Junior Senator, treasurer and in other capacities; and with his social fraternity, Pi Kappa Phi, which he currently serves as Archon (president) and is a former Historian, Secretary, Vice-Archon and Social Chairman; and

WHEREAS, involved as well in service to the community, Mr. Williams was a member of the 1980 Community Calico Chorus, served as Chairman of the 1981-82 Sumter County Red Cross Blood Drive and as chairman of

the 1982 County Toys for Tots Campaign; he also was fraternity representative on the 1982 Cleaner Sumter County Committee and was Volunteer of the 1981 Sumter County Heart Fund Campaign; and

WHEREAS, Mr. Williams' awards include two consecutive Clyde Davis Memorial Awards for Outstanding Brother of the Year, Gamma Alpha Chapter of Pi Kappa Phi, and he is a nominee for the fraternity's national selection for Outstanding Student of the Year; his bibliographical recognitions are listings in Who's Who Among Students in American Universities and Colleges, International Youth in Achievement, Personalities of the South, and Outstanding Young Men of America, 1982-1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. George Frank Williams, Jr., of York, Alabama, for outstanding achievement and for distinguished service to Livingston University and the community.

BE IT FURTHER RESOLVED, That Mr. Williams receive a copy of this resolution that he may be aware of our sincere warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 168, was adopted.

Also:

By Rep. Bennett:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR-SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

WHEREAS: The Homewood High School Marching Band has been selected to participate in the 95th Tournament of Roses Parade in Pasadena, California on January 2, 1984, and

WHEREAS: Homewood is the first band from Alabama ever selected to take part in the world-famous spectacular which in 1984 will feature the top 23 high school bands in the nation, and

WHEREAS: More than 1.4 million people will watch the parade from curbside and another 125 million on network television preceeding the Rose Bowl, and

WHEREAS: The Homewood High School Band has previously represented Alabama with great distinction from Macy's Thanksgiving Day Parade in New York to Madri Gras in New Orleans, and

WHEREAS: The 180-members of the Homewood Band, Star Spangled Girls and Homewood Guard will also perform by special invitation on New Year's Day, January 1, 1984 at Disneyland; now therefore be it

RESOLVED: That the Legislature of Alabama, both houses thereof concurring, does hereby extend its heartfelt congratulations to each member of the overall Homewood Band organization and to its leaders, Band Director Pat Morrow, Star Spangled Girls Choreographer Cindy Wade and Guard Director Daryl Ussery, for an outstanding season, and be it further

RESOLVED: That the Legislature is especially appreciative for the goodwill being generated for Alabama by the various events in which the Homewood High School Band so able represents this state, and be it finally

RESOLVED: That copies of this resolution be sent to Mr. Morrow,

Mrs. Wade, Mr. Ussery and to Homewood High School Principal Jack Farr.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 169, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey, Kennedy and Clark:

H. R. 170. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

BILLS ON THIRD READING

H. 44 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill H. 44, was temporarily postponed.

H. 45 TEMPORARILY POSTPONED

On motion on Rep. Turner, the bill, H. 45, was temporarily postponed.

And the bill:

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Carter, Clark, Clikas, Coburn, Cosby, Crow, Dutton, Escott, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Lauderdale, Layton, Melton, Minus, Murphy, Newman, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Turner, Warren, White (L), Williams, Wilson and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 455. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Clikas, Coburn, Cosby, Crow, Dutton, Escott, Gaston, Goodwin, Grimsley, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Lauderdale, Layton, Martin, Minus, Nevett, Newman, Owens, Parker, Rains, Rice, Scott, Seibels, Starkey, Starr, Turner, Warren, White (F), Williams and Wright.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coburn, Cosby, Crow, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Melton, Moore, Murphy, Newman, Owens, Parker, Rains, Rice, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, Warren, White (F), White (L), Wilson and Wright.

—56

And the bill:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Campbell, Clark, Clikas, Coburn, Cosby,

Crow, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Rains, Reed, Rice, Scott, Seibels, Starkey, Starr, Thomas, Turner, Warren, White (F), White (L) and Wright.

—57

And the bill:

H. 488. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether and where the Act will become effective in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 1.

Yeas:

Reps. Adams, Ashley, Blake, Boles, Bowling, Brooks, Bryant, Buskey, Butler, Clark, Clikas, Coburn, Crow, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Johnson (A.L.), Johnson (Roy), Layton, Melton, Moore, Nevett, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Starkey, Thomas, Warren, White (F), White (L) and Wright.

—41

Nay: Mr. Speaker. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 115. (With Amendment): Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996: which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

Was taken up.

The question was then on the amendment reported by the Standing Committee on Local Legislation No. 1, said amendment being as follows:

Amend Senate Bill 115, page 1, Section 12, Line 21 after the word "any" by striking ~~postion~~ and inserting in lieu thereof position

And the amendment was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Blake, Box, Bryant, Clark, Coleman, Crow, Dutton, Gaston, Goodwin, Hall, Hettinger, Horn, Johnson (Roy), Lauderdale, Moore, Newman, Owens, Parker, Rains, Richardson, Scott, Seibels, Starkey, Starr, Warren, White (F), White (L) and Wilson.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 115, as thus amended, was read a third time at length and passed.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Ashley, Blake, Bowling, Box, Bryant, Buskey, Clark, Coleman, Crow, Dutton, Gaston, Goodwin, Grouby, Hall, Horn, Johnson (Roy), Junkins, Lauderdale, Layton, Melton, Moore, Newman, Nicholson, Owens, Parker, Rains, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Warren, White (F), White (L) and Wilson.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Bryant, Carter, Clark, Clikas, Coleman, Crow, Dutton, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Langford, Lauderdale, Layton, Melton, Moore, Newman, Nicholson, Owens, Parker, Rains, Rice, Richardson, Scott, Seibels, Starkey, Starr, Thomas, Turner, Venable, White (F), White (L) and Wilson.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 488 RESUMED

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Johnson, (Roy), offered the motion to reconsider the vote by which the bill, H. 488 was passed, and the motion was adopted.

Yeas 52; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Carter, Clikas, Cosby, Crow, Drinkard, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lewis, McKee, Manley, Melton, Minus, Mitchell, Moore, Nevett, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starr, Turner, Warren and White (F).

—52

Nays:

Reps. Bennett, Bowling, Box, Buskey, Davis, Escott, Freeman, Hall, Harper, Hettinger, Holmes, Horn, Junkins, Murphy, Newman, Rogers, Scott, Seibels, Starkey, Thornton and Williams.

—21

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

Also:

H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

Also:

H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

Also:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U.S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD".

Also:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.

Also:

H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

Also:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

Also:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

Also:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 115. COMMENDING THE GROUP ALABAMA FOR BEING GOODWILL AMBASSADORS OF THE STATE OF ALABAMA.

Also:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY".

Also:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

Also:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

Also:

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY

OF WAYNE LOVE.

Also:

H. J. R. 135. COMMENDING MR. BARRON H. McGILL OF MOBILE, ALABAMA.

Also:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

Also:

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.

Also:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

Also:

H. J. R. 139. INVITING MR. LEWIS LEHR, CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF 3M COMPANY, TO ADDRESS THE LEGISLATURE IN JOINT SESSION ON JUNE 2.

Also:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILAHTHROPIST AND CIVIC LEADER.

Also:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

Also:

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

Also:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

McDOWELL LEE,
Secretary.

H. 488 RESUMED

Rep. Johnson (Roy), on a point of order, requested that the bill, H. 488, take its place on the regular calendar, under Rule 31a and it was so ordered.

RESOLUTION

The following resolution was introduced:

By Rep. Albright:

H. R. 171. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are amended to delete Rule 31a in its entirety.

~~Rule 31a. Any bill providing for or dealing with parimutuel betting shall be treated as a general bill.~~

Rep. Albright offered a motion to suspend the rules and adopt the resolution, H. R. 171.

MOTION TO TABLE ADOPTED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Albright to suspend the rules and adopt the resolution, H. R. 171, was tabled.

Yeas 50; Nays 25.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Brakefield, Browder, Butler, Carter, Clikas, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Gaston, Grouby, Harper, Harvey, Holley, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, McKee, McMillan, Manley, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Nicholson, Owens, Parker, Payne, Poole, Rains, Rice, Richardson, Smith, Starr, Turner, Warren, White (F) and Wright.

—50

Nays:

Reps. Albright, Bowling, Box, Brooks, Bryant, Buskey, Coleman, Davis, Escott, Freeman, Hall, Hettinger, Holmes, Horn, Junkins, Langford, Newman, Rogers, Scott, Seibels, Starkey, Thomas, Thornton, White (L) and Williams.

—25

POINT OF PERSONAL PRIVILEGE

Rep. Gaston inadvertently voted aye on the bill H. 488 and would like for the record to show his voting Nay.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 139. Inviting Mr. Lewis Lehr, Chairman and Chief Executive Officer of 3M, to address a joint session of the Alabama Legislature.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Drake, Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

H. R. 172. COMMENDING THE TENNESSEE VALLEY AUTHORITY DURING ITS 50TH ANNIVERSARY YEAR.

MOTION TO ADJOURN LOST

The motion offered by Rep. White (F), that the House adjourn was lost.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 420. (With Substitute): To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

Was taken up.

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 420, to the pending substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levied on domestic corporations, and amend the distribution formula to

adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. "§40-14-40. Amount of levy on domestic corporations. Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax ~~of $3.00 on each $1,000.00 of~~ based on its capital stock; as follows:

For the tax year beginning	Rate on each $1,000.00 of capital stock
January 1, 1984	$ 7.50
January 1, 1985	$ 10.00
January 1, 1986	$ 12.50
January 1, 1987 and all tax years thereafter	$ 15.00

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of ~~$25.00~~ $100.00.

Section 2. §40-14-43. Remittance of tax. Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty-fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the "Counties Portion", shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One fifth~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

Distribution Schedule

For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion
January 1, 1984	7.00%	17.25%
January 1, 1985	6.75%	16.25%
January 1, 1986	6.50%	15.50%
January 1, 1987 and all tax years thereafter	6.25%	14.75%

In this section, "general welfare purposes" means:

(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective January 1, 1984 following its passage and approval by the governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carter, Cosby, Crow, Drinkard, Dutton, Faulk, Ford, Gaston, Hammett, Harvey, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Waggoner, Warren, Williams, Wilson and Wright.

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H. 420 INDEFINITELY POSTPONED

On motion offered by Rep. Payne, the bill, H. 420, as amended, was indefinitely postponed.

Yeas 59; Nays 36.

Yeas:

Reps. Adams, Albright, Blakeney, Brooks, Buskey, Butler, Carothers, Carter, Clikas, Coburn, Cosby, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thornton, Venable, Warren, White (L), Williams, Wilson and Wright.

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Nays:

Mr. Speaker, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Campbell, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Hall, Harvey, Holmes, Horn, Junkins, Langford, Lauderdale, Moore, Newman, Nicholson, Parker, Reed, Rogers, Thomas, Turner and Turnham.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 173. HONORING MR. AND MRS. COLE ARMISTEAD OF THOMASVILLE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

Also:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

Also:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD."

Also:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

Also:

H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.

Also:

H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

Also:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

Also:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

Also:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 115. COMMENDING THE GROUP ALABAMA.

Also:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

Also:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

Also:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

Also:

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

Also:

H. J. R. 135. COMMENDING MR. BARRON H. McGILL OF MOBILE, ALABAMA.

Also:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.

Also:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

Also:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

Also:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

Also:

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

Also:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 420 RESUMED

Having voted on the prevailing side, Rep. Payne offered a motion to reconsider the bill, H. 420 and moves to table that motion.

MOTION TO POSTPONE LOST

Rep. Johnson, (Roy), offered a substitute motion to temporarily post-

pone the motion offered by Rep. Payne to the bill, H. 420, and the motion was lost.

Yeas 42; Nays 51.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Dutton, Ford, Freeman, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Melton, Newman, Nicholson, Parker, Reed, Rogers, Scott, Smith, Stout, Thomas and Turner.

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Nays:

Reps. Adams, Albright, Blakeney, Brooks, Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Seibels, Starkey, Starr, Thornton, Trammell, Turnham, Venable, Warren, White (L), Williams, Wilson and Wright.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Coburn that the House adjourn, was lost.

Yeas 43; Nays 56.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Browder, Bryant, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Layton, Melton, Newman, Nicholson, Parker, Reed, Rogers, Smith, Stout, Thomas, Turner, Warren and Williams.

—43

Nays:

Reps. Adams, Albright, Blakeney, Brooks, Buskey, Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Trammell, Turnham, Venable, White (L), Wilson and Wright.

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H. 420 RESUMED

The question was then on the motion offered by Rep. Payne to reconsider the bill, H. 420, and to table that motion.

MOTION TO POSTPONE

Rep. Holley, offered a substitute motion to postpone the bill, H. 420, to

the eleventh legislative day.

SUBSTITUTE TO THE SUBSTITUTE LOST

Rep. Waggoner offered a substitute to the substitute motion offered by Rep. Holley, that the House adjourn, and the motion was lost.

Yeas 46; Nays 46.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Boles, Bowling, Box, Browder, Bryant, Campbell, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Layton, Melton, Moore, Newman, Nicholson, Parker, Reed, Richardson, Rogers, Smith, Stout, Thomas, Trammell, Turner, Waggoner and Williams.

—46

Nays:

Reps. Adams, Ashley, Blakeney, Buskey, Butler, Carothers, Carter, Cosby, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Lauderdale, Lewis, McKee, McMillan, Manley, Mathis, Minus, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rice, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Turnham, Venable, White (L), Wilson and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 150. SETTING MEETING DAYS OF THE LEGISLATURE FROM MAY 17 TO MAY 19.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:05 P.M. on May 17, 1983.

H. J. R. 139

Delivered to the Governor at 5:20 P.M. on May 17, 1983.

H. J. R. 7

H. J. R. 50

H. J. R. 97

H. J. R. 99

H. J. R. 103
H. J. R. 104
H. J. R. 105
H. J. R. 106
H. J. R. 109
H. J. R. 110
H. J. R. 113
H. J. R. 115
H. J. R. 117
H. J. R. 119
H. J. R. 125
H. J. R. 132
H. J. R. 134
H. J. R. 135
H. J. R. 136
H. J. R. 137
H. J. R. 138
H. J. R. 142
H. J. R. 145
H. J. R. 146
H. J. R. 147
H. J. R. 148

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Bennett and pursuant to the resolution H. R. 151, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Thursday, May 19, 1983.

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 19, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Wayne Futral, Pastor, Southside Baptist Church, Fayette, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Clikas, leave of absence was granted for Rep. Zoghby.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the Ninth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the Ninth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the Ninth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING

Rep. Coburn filed the following Notice In Writing:

Having voted on the prevailing side by which H. 420 was indefinitely postponed, I now move to reconsider that vote.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 150. Relative to legislative meeting dates May 17, 1983, through May 19, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 174. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 19, 1983, we adjourn to meet again on Tuesday, May 24, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 174, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 175. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 19, 1983, we adjourn to meet again on Tuesday, May 24, 1983, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H.R. 175, was adopted.

BILLS ON THIRD READING

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to take up out of order the bill, H. 129.

And the bill:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain lien rental services, and to correct certain typographical errors contained in said section.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Layton, McKee, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Starr, Thomas, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to take up out of order the bill, H. 130.

And the bill:

H. 130. (With Amendment): To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said amendment being as follows:

Amend House Bill 130 on page 2 by deleting lines 23-30 in their entirety and inserting in lieu thereof the following new lines:

"2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry, or providing hotel, motor inn services, specifically excluding public dormitories or student housing facilities for institutions of higher learning including food or lodging services or both; and"

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Bryant, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Reed, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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And the bill, H. 130, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Melton, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Tucker, Turnham, Venable, Warren, White (F), White (L), Williams and Wright.

—70

RESOLUTION

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, The Reverend Jesse Jackson has indicated his potential presidential candidacy; and

WHEREAS, This Legislature desires to be fully informed by all declared and potential candidates for the United States Presidency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extent our invitation to the Reverend Jesse Jackson to address a joint session of the Legislature on Tuesday, May 24, 1983, the hour to be determined and communicated to Reverend Jackson.

RESOLVED FURTHER, That a copy of this resolution be sent or communicated to Reverend Jackson as soon as possible.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 176, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 361. Relating to the Alabama Sunset Law; to continue to existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Horn,

Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Poole, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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H. 362 INDEFINITELY POSTPONED

On motion of Rep. Cosby, the bill, H. 362, was indefinitely postponed.

And the bill:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Rains, Reed, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—75

And the bill:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clikas, Coburn, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren,

White (F), White (L), Williams, Wilson and Wright.

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And the bill:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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RESOLUTION

The following resolution was introduced:

By Reps. Mitchell, Poole, Owens, Melton and Johnson (Roy):

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

WHEREAS, the University of Alabama baseball team captured the Southeastern Conference baseball championship with a stellar performance at Starkville; and

WHEREAS, the Crimson Tide claimed the S.E.C. pennant for the first time in 15 years, beating the Mississippi State Bulldogs on their home field by a score of 10 to 9; and

WHEREAS, this nationally ranked ball club won the game in the bottom of the ninth inning with clutch offensive play and coaching strategy; and

WHEREAS, the Tide's victory made the club a triple crown winner, the win gave Bama the S. E. C. championship, clinched an automatic bid to the N.C.A.A. baseball playoffs and helped the University of Alabama win the Bernie Moore all-sports trophy, a trophy given to the school with the best overall athletic performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Coach Barry Shollenberger, his assistants and the University of Alabama baseball team for their outstanding season and wish the Tide the best of luck in the N.C.A.A. playoffs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the University of Alabama Athletic Director, Coach Shollenberger and the team captains so they may know of our pride and best wishes.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 177, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

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Nays: Reps. Freeman and Hall. —2

And the bill:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Warren, White (F), White (L), Williams and

Wright.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Turner, Clark, Kvalheim, Gaston, Harper, Clikas, Box and Buskey:

H. R. 178. COMMENDING SUPERINTENDENT BOBBY MARTIN AND STAFF OF CITRONELLE GOLF COURSE.

Also:

By Rep. Rogers:

H. R. 179. COMMENDING THE HOLY FAMILY HIGH SCHOOL TORNADOES, FIRST PLACE 2A REGIONAL BASKETBALL TOURNAMENT CHAMPIONS.

Also:

By Rep. Rogers:

H. R. 180. COMMENDING THE ENSLEY HIGH SCHOOL YELLOW JACKETS, REGION SIX BASKETBALL TOURNAMENT CHAMPIONS.

Also:

By Rep. Rogers:

H. R. 181. COMMENDING THE CARVER HIGH SCHOOL RAMS, REGIONAL TOURNAMENT CHAMPIONS.

Also:

By Rep. Clikas:

H. R. 182. COMMENDING THE TENNIS TEAM OF THE SKYLINE SWIM CLUB, MOBILE, ALABAMA, AS 3.0 DIVISION CHAMPIONS.

Also:

By Rep. Hammett:

H. R. 183. MOURNING THE DEATH OF MR. JUDDY LEAMON CHANNELL, JR., OF OPP, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Gaston:

H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the naming of Mr. Charles G. Munden of Mobile, Alabama, as "Engineer of the Year" on February 25, 1983; and

WHEREAS, the presentation of the award culminated National Engi-

neers Week, which sought to familiarize the public concerning the engineering profession and honored members for meritorious service; and

WHEREAS, a native of Texas who received a Bachelor's Degree in civil engineering from Texas A & M University, Mr. Munden joined David Volbert and Associates, Inc., in Mobile in 1958; he is presently responsible for the company's operations in Alabama, Mississippi, Louisiana and Texas; and

WHEREAS, Mr. Munden is a director of both the Mobile Post, Society of American Military Engineers and the Mobile Chapter, Alabama Society of Professional Engineers and is a member of the National Society of Professional Engineers, American Water Works Association, Toastmasters International, the Country Club of Mobile, the Mobile Chamber of Commerce and is an Elder in the Presbyterian Church of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. Charles G. Munden of Mobile, Alabama, upon his noteworthy career and numerous contributions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Munden as evidence of our high esteem and warmest personal regard.

On motion of Rep. Gaston, the rules were suspended and the resolution, H.J.R. 184, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Kvalheim:

H. R. 185. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA CHAPTERS OF TAU KAPPA EPSILON FRATERNITY AND KAPPA DELTA SORORITY.

Also:

By Rep. Kvalheim:

H. R. 186. MOURNING THE DEATH OF MR. WILLIAM J. O'CONNOR OF MOBILE, ALABAMA.

Also:

By Reps. Kvalheim and Gaston:

H. R. 187. COMMENDING MISS CINDY PAYNE UPON WINNING THE CITIZENSHIP AWARD AT THE MISS ALABAMA NATIONAL TEEN-AGER PAGEANT.

Also:

By Rep. Kvalheim:

H. R. 188. COMMENDING THE ETA EPSILON CHAPTER OF THE SIGMA CHI FRATERNITY FOR OUTSTANDING CIVIC ACHIEVEMENT.

Also:

By Rep. Layton:

H. R. 189. MOURNING THE DEATH OF WILLIAM LEONARD SLATER OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Layton:

H. R. 190. COMMENDING MR. MARK BAKER OF CENTERPOINT, ALABAMA, ON HIS OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

By Reps. Stout, Rains, and Richardson:

H. R. 191. MOURNING THE DEATH OF MR. BYRON LANG.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Johnson (Al):

H. 613. To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local law therefor.

Local Government.

By Reps. Rice, Hettinger, Ashley, Wright, Parker, Owens, Cosby, Stout, Adams, Harvey, Kennedy, Penry, Freeman, Junkins and Buskey:

H. 614. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

State Administration.

By Reps. Mathis, Johnson (Al), Williams, Grimsley, Hammett, Langford, Faulk, Blakeney, Starr, Moore, Murphy, Davis, Rogers, Thornton, Melton, Poole, Holley, Box, Bryant and Turner:

H. 615. To create a program to fund senior citizen centers through the Alabama Commission on Aging; to authorize the Commission to adopt rules and regulations to implement the Act; to provide a supplemental appropriation for the fiscal year ending September 30, 1983; to provide funding on a matching basis with local public or private funding for such centers; to require the establishment of a special account by the Commission for funding such centers; and to require periodic auditing of said account by the State Examiners of Public Accounts.

Ways and Means.

By Reps. Drinkard and Junkins:

H. 616. To amend Section 9 of Act 79-722 (Section 11-54-148 Code of Alabama 1975, pocket part) to permit lease of certain municipal property for municipally financed hotel projects.

Commerce and Industrial Development.

By Reps. Kvalheim, Gaston, Harper, Turner, Box, Clark and Clikas:

H. 617. To exempt the Mobile Jaycees, Inc., from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Browder, Flowers, Smith, Holley and Sasser:

H. 618. To provide that unless fully paid, each convicted felon ordered by a court to pay restitution acknowledge, execute and file a written statement of assets and income; to provide that a form for such purposes shall be devised, adopted, prescribed and distributed by the Administrative Office of Courts; to provide that such statement be filed with the Clerk of the Court wherein such restitution order was issued and annually thereafter unless restitution is fully paid; to provide courts with contempt powers to compel filing and disclosure; to create criminal offenses and penalties for the willful, intentional failure to file or disclose assets or income with the intent to evade or avoid disclosure in such statement and for the conveyance, assignment or other transfer of assets or income to evade or avoid filing or disclosure; to provide that the Director of Department of Corrections and the Board of Pardons and Paroles may promulgate rules and regulations to ensure compliance by affected convicts; to provide courts with the power to void or set aside any such conveyance, assignment or transfer; to provide for the effective date of this Act to be ninety (90) days from the date of its passage and approval of the Governor or otherwise becoming law.

Judiciary.

By Rep. Laird (With Notice and Proof):

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 619, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Boles (With Notice and Proof):

H. 620. Relating to Jefferson County; providing for the election of the county superintendent of education; and prescribing the qualifications, duties, and salary of such superintendent.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Casey, Coleman and Junkins:

H. 621. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to

provide further for such offenses and penalties.

Judiciary.

By Reps. Hettinger, Butler and Freeman:

H. 622. To amend Sections 9-11-244 and 9-11-245 of the Code of Alabama 1975, relating to the taking of protected birds or animals so as to further regulate and prohibit the use of any poison or chemical for the purpose of taking such animals; to provide penalties for violations; and to provide for the revocation of any fur catchers license privileges for violations.

Natural Resources.

By Rep. Turnham:

H. 623. To amend Section 36-27-16, Code of Alabama 1975, as last amended, so as to provide for retirement of an employee covered under the state employees retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Mitchem, Little, and Barron:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 270. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Keener (With Notice and Proof):

S. 105. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS AT-

TACHED TO THE BILL, S.B. 105, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 105. Local Legislation No. 1.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:15 P.M. on May 19, 1983.

H. J. R. 150

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson, (Roy), and pursuant to the resolution, H. R. 175, heretofore adopted, the House adjourned until 2:00 o'clock p.m., May 24, 1983.

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 24, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. Thomas E. Jordan, Pastor, Lilly Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale,

Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

H. 137 CO-SPONSOR REMOVED

Rep. Clikas asked that his name be removed as co-sponsor to the bill, H. 137.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 192. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 24, 1983, we adjourn to meet again on Thursday, May 26, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 192, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 193. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 24, 1983, we adjourn to meet again on Thursday, May 26, 1983; at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 193, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER,

STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

Also:

H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST FOR HIS 26 YEARS OF OUTSTANDING SERVICE AS A MEMBER OF THE COMMUNITY HOSPITAL BOARD OF TRUSTEES.

Also:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

Also:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

Also:

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

Also:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 174. SETTING MEETING DAYS OF THE LEGISLATURE, MAY 19 TO MAY 24.

Also:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

H. 512 RE-REFERRED

No objection being offered the Speaker re-referred the bill H. 512, from the Standing Committee on Public Utilities and Transportation to the Standing Committee on State Administration.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote, of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READINGS

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 379. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Section 22-30-12 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval. This change is required in order for the state to operate its own program in lieu of the Federal EPA program in Alabama.

H. 474. To amend Section 34-29-20 of the Code of Alabama 1975, relating to the powers of the Board of Veterinary Medical Examiners, so as to empower this board to promulgate minimum standards for conducting animal medical clinics staffed by licensed veterinarians.

H. 497. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 20. (With Substitute): To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education

and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 570. To amend Sections 22-23-32, 22-23-43, 22-23-44, and 22-23-49 and repeals Section 22-23-42, Code of Alabama 1975, which provides for the Alabama Safe Drinking Water Act of 1977, so as to provide further for the issuance of permits for the construction or modification of any public water system.

H. 573. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

H. 612. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

H. 574. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business, and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

H. 561. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

H. 562. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

H. 522. To amend §12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Supernumerary Fund.

Rep. Smith, Chairman of the Standing Committee on Agriculture & Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-

wit:

H. 596. Relating to agreements or contracts to grow chickens and/or eggs; to provide growers of eggs or chickens specific legal rights and remedies for anticipated or actual financial loss due to the arbitrary, capricious or bad faith failure of suppliers to complete the contract or failure to continue doing business with the growers under certain circumstances, including the authorization of punitive damages as well as actual damages.

H. 610. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less then $25,000 nor more than $100,000 for each separate location.

H. 585. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than $10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 63. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

H. 143. To require all persons born on or after October 1, 1969, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to require said certification to be on said persons while hunting; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1969, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to require said certification to be on said persons while hunting; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

H. 144. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid

into the county treasury under certain circumstances.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 408. (With Amendment): To prohibit persons under 16 years of age from operating certain motor boats without adult supervision and to provide criminal penalties.

Rep. Carter, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 564. To provide that military personnel assigned to military installations of a geographically contiguous nature which are located in part within the state of Alabama and part within an adjoining state to Alabama, may hunt on the premises of said installation pursuant to valid hunting licenses issued from either state.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 163. (With Substitute) (With Amendments): To provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance, and to provide that the plan established herein or the administrator of such plan shall be entitled to any discounts, reimbursements, or charge adjustments offered to any other health care service plan by any health care service facility doing business in Alabama.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 479. Relating to the responsibility of the distributor for the remittance of certain taxes and reports on certain quantities of diesel fuel sold by certain retail merchants exclusively for offroad or agricultural use and exempting such retail merchants from the requirement of furnishing a bond for the storage, withdrawal from storage or sale of such diesel fuel.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 552. To prohibit the use of red clay on certain beaches of the state.

H. 579. To provide for Public Service Commission jurisdiction over the safety of spur tracks, sidetracks, and rolling stock not owned by railroads, but either used by railroads or used on the tracks of railroads subject to the jurisdiction of the Commission.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 606. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment and they were severally read a second time and placed on the Calendar, to-wit:

H. 527. (With Amendment): Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

H. 528. (With Amendment): Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the

aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. I, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

Also:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

Also:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER, STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

Also:

H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST ON HIS CIVIL ACHIEVEMENTS AND HIS RETIREMENT FROM THE WALKER COUNTY MEDICAL CENTER'S BOARD OF TRUSTEES.

Also:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR-SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

Also:

H. J. R. 174. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, MAY 19, 1983 AND TUESDAY, MAY 24, 1983.

Also:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to the appropriate standing committees, as follows:

By Rep. Manley:

H. 624. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the

clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Judiciary.

By Reps. White (L) and Butler:

H. 625. To amend Section 13A-11-72, Code of Alabama 1975, relating to certain persons forbidden to possess a pistol, so as to include persons convicted of a felony involving controlled substances.

Judiciary.

By Rep. Holley:

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to the secretary-treasurer.

State Administration.

By Rep. Campbell:

H. 627. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further refine the term "rule."

Judiciary.

By Rep. Campbell:

H. 628. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

Ways and Means.

By Rep. Payne:

H. 629. To require group health insurance policies, contracts and plans to offer minimun benefits for the care and treatment of mental, emotional, or nervous disorders, drug dependence, or alcoholism.

Health.

By Rep. Brooks:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Highway Safety.

By Reps. Kvalheim and Gaston:

H. 631. Proposing an amendment to the Constitution of Alabama relative to the powers of referendum.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Reps. Casey and Drinkard:

H. 632. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Rules.

By Reps. Casey and Coburn:

H. 633. To prescribe procedures for a state income tax check-off system for support of political parties.

Rules.

By Reps. Gaston and Kvalheim:

H. 634. To propose an Amendment to the Constitution of Alabama to provide that the people may propose the repeal and enactment of laws by an initiative referendum.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Turner (With Notice and Proof):

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 635, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 636, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

The above bill was read a first time at length as required by the Constitution.

By Rep. Turner (With Notice and Proof):

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Butler (With Notice and Proof):

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 639, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Butler (With Notice and Proof):

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribu-

tion of T.V.A. payments, so as to provide further for said payments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 640, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Carter and Butler (With Notice and Proof):

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 641, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Scott, Moore, Murphy, Thornton and Payne:

H. 642. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

State Administration.

By Reps. Blakeney, McMillan, Penry, Warren, White (F), Carter, Grimsley, and Cosby:

H. 643. To repeal Sections 22-21-290 through 22-21-297, Code of Alabama, 1975, as amended, which relate to the financial responsibility for the cost of medical treatment of certain indigent patients.

State Administration.

By Reps. Harper and Penry:

H. 644. To create a fishing vessel permit for all boats and vessels which fish in brackish or salt waters of the State of Alabama.

Natural Resources.

By Rep. Brooks:

H. 645. To amend Section 40-1-34, Code of Alabama 1975, which relates to refunds on overpayment of taxes to the state, so as to increase the period during which application for refunds may be filed from three to five years.

Ways and Means.

By Rep. Faulk:

H. 646. To provide for the awarding of reasonable attorney's fees to prevailing parties in civil actions.

Judiciary.

By Reps. Johnson (Roy), Owens, Melton and Mitchell (With Notice and

Proof):

H. 647. Relating to Tuscaloosa County; authorizing the county commission to levy an additional five mills ad valorem tax on all property located outside the corporate limits of the City of Tuscaloosa, but within Tuscaloosa County in all areas served by the County Board of Education, the proceeds of such tax to be used exclusively for educational purposes by the County Board of Education, and subject to the approval of the affected electors voting in a referendum election held for such purpose, and providing that if the tax is approved it shall become effective immediately and shall be levied and prorated for the remainder of the current fiscal year.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 647, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Grimsley and Brakefield:

H. 648. To amend Section 1 of Act 81-719 relating to legal expense insurance and to Legal Service Insurance Corporations.

Judiciary.

By Rep. Langford:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

State Administration.

By Rep. Langford:

H. 650. To provide for primary elections of political parties in cities and towns of this state which have a population of 300,000 inhabitants or less, according to the most recent federal decennial census, in the process of electing members of the governing bodies of such cities and towns; providing that such cities and towns shall pay the costs of such primary elections; prescribing certain procedure for holding such primary elections and specifically repealing Section 11-46-3 of the Code of Alabama 1975 and all other laws in conflict with this act.

Local Government.

By Reps. Murphy and Lewis:

H. 651. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Highway Safety.

By Reps. Zoghby, Harper, Gaston and Kvalheim:

H. 652. To prescribe the conditions under which an unconvicted prisoner charged with a misdemeanor while awaiting trial and confined to any county jail, may perform voluntary work upon certain authorized public works; to require approval by the county governing body; and to prescribe that certain payments must be made to such person if the person is not convicted and that certain records shall be maintained.

Local Government.

By Reps. Melton, Rogers and Davis:

H. 653. To exempt the Central Church of Christ Children's Home of Tuscaloosa, Alabama, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Escott, Howard, Wright, Waggoner, Bennett, Biddle, Murphy, Scott, Layton and Trammell (With Notice and Proof):

H. 654. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 654, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Carter and Butler:

H. R. 194. COMMENDING LOUIS "GENE" HUGHES.

Also the following resolutions were introduced:

By Reps. Cosby, Adams, Albright, Ashley, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Carter, Davis, Drake, Drinkard, Faulk, Ford, Freeman, Gaston, Grimsley, Hall, Hettinger, Holmes, Howard, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, McKee, McMillan, Mitchell, Moore, Murphy, Newman, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Scott, Seibels, Smith, Starr, Thomas, Thornton, Turner and Wilson:

H. J. R. 195. URGING THE ALABAMA MEDICAID AGENCY TO RESCIND PROPOSED CUTBACKS IN THE STATE MEDICAID PLAN WHICH WOULD SEVERELY AND ADVERSELY AFFECT INDIGENT HEALTH CARE FOR CHILDREN IN ALABAMA.

WHEREAS, the Alabama Legislature is cognizant of the underfunding crises in a number of state agencies and departments including the Alabama Medicaid Agency; and

WHEREAS, of most particular concern are the cutbacks in medical

coverage for hospitals and physicians regarding the care of children in the State of Alabama as now proposed by the Medicaid Commission; and

WHEREAS, such a move is unthinkable to the members of this Legislature who are totally opposed to any cuts which would give rise once more to infant mortality in our state and which would, in effect, allow children to die out of hospital and not receiving care; and

WHEREAS, though some reductions may have to be made if alternate means of funding are not found, we would urge that all possible cutbacks be made in all other areas before considering any reduction in care for the indigent children in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Clerk of the House is directed to inform the director of the Alabama Medicaid Agency, by copy of this resolution, of our total and complete opposition to any reduction in health care for the indigent children in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor George C. Wallace.

On motion of Rep. Cosby, the rules were suspended and the resolution, H.J.R. 195, was adopted.

Also:

By Rep. Wright:

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

WHEREAS, the Legislature has noted with a sense of deep regret the passing of Dr. Lewis Harold Spradley, retired minister of the Adamsville United Methodist Church; and

WHEREAS, Dr. Spradley was a true shepherd of his sheep whose advice and counsel was sought by people in all walks of life; and

WHEREAS, other churches he has served include the Lowell United Methodist Church, Roanoke, Alabama, the Eleventh Avenue United Methodist Church of Birmingham, the Center Point United Methodist Church of Birmingham, the Ensley Highlands United Methodist Church of Birmingham and the Martin Memorial United Methodist Church of Wylam; and

WHEREAS, Dr. Spradley is survived by his widow, Dorothy Cross Spradley, and three children, Reverend Carolyn Spradley Pitts, Joyce Spradley Alford and Lewis Harold Spradley, Jr., and eleven grandchildren; and

WHEREAS, Dr. Spradley reflected the uncommon endowments of foresight, perserverence, and capacity for intelligent leadership and he shall be missed keenly by his host of friends in all walks of life to whom he gave so generously of his talents and friendship; and

WHEREAS, he was a prominent and influential leader in the Methodist Church as well as in the religious life of his city and was particularly interested in local projects for young people; and

WHEREAS, Dr. Spradley was a friend to all having many times said "When I am gone from this world, of whatever might be said, I hope people can say that I was a friend to sinners"; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Dr. Lewis Harold Spradley and express our deep and sincere sympathy to his widow, Dorothy Cross Spradley and his family to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That a copy of this resolution also be sent to the Adamsville United Methodist Church.

On motion of Rep. Wright, the rules were suspended and the resolution, H. J. R. 196, was adopted.

Also:

By Reps. Mitchell and Poole:

H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that William Henry "Bunky" Lang, III, of Reform, Alabama, won the state junior championship at the second annual Alabama Marbles Championship Tournament on April 30, 1983; and

WHEREAS, the son of Pickens County Probate Judge and Mrs. William H. Lang, Jr., Bunky is twelve years old and in the seventh grade at Pickens Academy; and

WHEREAS, by defeating twelve-year-old Kim Manning of Aliceville, Bunky will fly to Wildwood, New Jersey to compete for the national marbles championship June 19 through 23; and

WHEREAS, Bunky's grandfather William H. Lang and his great grandfather Oscar Hancock, both served as members of the Alabama House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate William Henry Lang, III, of Reform, Alabama, on winning the junior championship at the Alabama Marbels Championship Tournament and wish him all the best of luck in the national championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to Bunky, his parents and his brother Brad, as evidence of our high esteem and warmest personal regard.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 197, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

WHEREAS, Mr. Elmore "Scoop" Hudgins' 1983 retirement brings to a close an extraordinary 19-year association with Southeastern Conference

sports; and

WHEREAS, following his 1948 graduation from Vanderbilt University, where he lettered in wrestling and operated the Sports Information Office, Mr. Hudgins was hired as the University's first full-time Sports Information Director; and

WHEREAS, "Scoop" Hudgins, in 1964, was named by SEC Commissioner Bernie Moore to establish the conference's Sports Information Department; and

WHEREAS, for the past 19 years, Mr. Hudgins has become nationally known for his innovative procedures for gathering and standardizing statistical data, procedures which now are the accepted practice of his counterparts country-wide; and

WHEREAS, during his SEC career, Mr. Hudgins originated the Coaches Top Twenty, an annual listing of the nation's winningest coaches, for football, basketball and baseball, and developed the SEC Sky-Writers Tour; and

WHEREAS, he is a two-time president of the SEC Sports Information Directors Association, a past president of the national organization, CoSIDA, and a 1979 inductee into the CoSIDA Hall of Fame; and

WHEREAS, Mr. Hudgins is a native of Chattanooga, Tennessee, and attended high school in that city and in Huntsville, Alabama; he also is a four-year veteran of World War II having served in the United States Army Air Force prior to matriculating at Vanderbilt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Elmore "Scoop" Hudgins on his accomplished SEC career, and on his longtime association with the conference for some 37 years as a student and in the area of sports information.

BE IT FURTHER RESOLVED, That in token of our sincere praise and highest personal regards, a copy of this resolution shall be forwarded to Mr. Hudgins.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 198, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Richardson:

H. R. 199. COMMENDING THE GOVERNOR'S YOUTH TRAFFIC SAFETY CLUB OF BRIDGEPORT HIGH SCHOOL, JACKSON COUNTY, ALABAMA.

Also:

By Rep. Flowers:

H. R. 200. COMMENDING MR. AND MRS. MANUEL HOLMAN JOHNSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Reps. Zoghby, Turner, Buskey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT WEEK, JUNE 5-11, 1983.

WHEREAS, during the week of June 5-11, 1983, "Management Week in America" will be nationally observed in recognition of the high level of dedication of the members of the management profession who contribute significantly to the success of the free enterprise system in America and in the State of Alabama; and

WHEREAS, members of the management profession in our state indeed play an essential role in ensuring the continued strength of our economy; and

WHEREAS, it is both fitting and desirable that we in Alabama join in recognition of the accomplishments and contributions of the professional men and women in management who have dedicated themselves to improving the quality of management and thereby increasing production of superior goods and services, permitting successful competition and an improved economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,That we hereby express support of Management Week in America, and Alabama, and urge the citizens of our State to join in appropriate observance and promotion of the goals of professional management men and women in Alabama.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 201, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Box:

H. R. 202. CONGRATULATING MISS TAMMY WILLIAMS ON HER SELECTION AS "MISS SARALAND OF 1983."

Also:

By Rep. Hammett:

H. R. 203. CONGRATULATING MR. JESSE M. MERRILL ON HIS UPCOMING 85TH BIRTHDAY AND 45 YEARS IN BUSINESS.

Also:

The following resolution was introduced:

By Reps. Turnham, Smith, Rice, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 204. THANKING AUBURN UNIVERSITY.

WHEREAS, on May 18 and 19, Auburn University was the gracious host for the Legislative Conference on Research; and

WHEREAS, Dr. Wilford S. Bailey, Dr. Walter Grimes, Dr. Paul F. Parks and all the other participants informed the Legislature regarding research at Auburn; and

WHEREAS, the Legislature was immensely impressed with the research sites involving agriculture, engineering, physics and veterinary medicine; and

WHEREAS, the members of the House and Senate enjoyed the delicious food, drink and entertainment received "on the Plains"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our sincere appreciation for the regal treatment and the informative displays of technical research in which Auburn University excels.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Bailey, Dr. Grimes and Dr. Parks that they may know of our genuine gratitude.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 204, was adopted.

BILLS ON THIRD READING

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey, the rules were suspended in order to bring up out of order, the bill, H. 517.

And the bill:

H. 517. (With Substitute): To amend Section 32-9-1, 32-9-20 and 32-9-25, Code of Alabama 1975, relating to vehicle size and weight.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Highway Safety said substitute being as

follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 32-9-1. Trailers.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways, divided highways with four or more lanes and other highways designated by the Highway Director. For purposes of enforcement of this subdivision, a divided highway is defined as one with separated roadways for traffic in opposite directions with a raised median, depressed median or median with a concrete barrier. The Highway Director shall, as a minimum, designate those highways necessary to cause the State of Alabama to be in compliance with Federal Laws.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided that such movement shall be subject to special ~~permit to be issued without cost~~ by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof".

Section 2. Section 32-9-20, Code of Alabama 1975 is hereby amended to read as follows:

"Section 32-9-20. Schedule of restrictions.

It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

~~(1) Width. No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry~~

~~any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe shall have a load exceeding 102 inches in width; provided, that these limits shall not be permitted on any interstate or defense highways where such limits are prohibited by federal statute.~~

(1). Width. Vehicles and combinations of vehicles, operating on highways with traffic lanes less than twelve feet in width, shall not exceed a total outside width, including any load thereon, of 96 inches, exclusive of mirrors or other safety devices approved by the state highway department. Vehicles and combinations of vehicles, operating on highways with traffic lanes twelve feet or more in width, shall not exceed a total outside width, including any load thereon, of 102 inches, exclusive of mirrors or other safety devices approved by the state highway department. No passenger vehicle shall carry any load extending beyond the line of the fenders.

(2) Height. - No vehicle, ~~or~~ semitrailer or trailer shall exceed in height 13½ feet, including load.

(3) Length. - No vehicle shall exceed in length 40 feet; except, that the length of ~~semitrailer trucks, including any part of the body or load, shall not exceed 60 feet, but exclusive of detachable wind deflection devices which have been approved by the state highway department.~~ semitrailers, including load, used in a truck tractor-semitrailer combination, shall not exceed 50 feet and semitrailers and trailers, including load, used in a truck tractor-semitrailer-trailer combination, shall not exceed 28½ feet each. For purposes of enforcement of this subdivision,lengths of semitrailers and trailers refer to the cargo carrying portion of the unit. No truck tractor-semitrailer combination or truck tractor-semitrailer-trailer combination used exclusively for transporting motor vehicles shall carry any load extending more than three feet beyond the front of such combination. No other vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear inclusive of the vehicle. Nothing in this subdivision shall be construed to deny the operation of any length of vehicle or combination of vehicles which could be lawfully operated prior to the effective date of this Act.

(4) Weight.

a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

c. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

COMPUTED GROSS WEIGHT TABLE
For various spacings of axle groupings

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		
10	40,000	43,500	43,500		
11		44,000	44,000		
12		45,000	50,000	50,000	
13		45,500	50,500	50,500	
14		46,500	51,500	51,500	
15		47,000	52,000	52,000	
16		48,000	52,500	58,000	58,000
17		48,500	53,500	58,500	58,500
18		49,500	54,000	59,000	59,000
19		50,000	54,500	60,000	60,000
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		53,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,000	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,000	61,500	66,000	71,500
30			62,000	66,500	72,000
31			63,500	67,000	72,500
32			64,500	68,000	73,500
33			65,000	69,000	74,000
34			65,500	70,000	74,500
35			66,500	71,000	75,000
36			67,000	72,000	76,000
37			68,000	73,000	77,000
38			69,000	74,000	78,000
39			70,000	75,000	79,000
40			71,000	76,000	80,000
41			72,000	77,000	81,000
42			73,000	78,000	82,000
43			74,000	79,000	83,000
44 and over			75,000	80,000	84,000

Except as provided by special permits, no vehicle of combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the state of Alabama.

No vehicle or combination of vehicles shall be permitted to operate on any portion of the interstate highway system of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 (LN + 12N + 36)$$

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36\right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state. Nothing in this section shall be construed to deny the operations of any vehicle or combinations of vehicles that could be lawfully operated upon the highways and roads of this state on January 4, 1975.

d. For purposes of enforcement of subdivision (4) of this section, all scaled weights shall be deemed to have a margin of error of 10 percent of the true gross or axle weights.

e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4)c of this section; provided, that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4)a of this section; provided, that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, such true gross load not to exceed 66,000 pounds, and all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this subdivision travel upon bridges designated and posted by the highway director as incapable of carrying such load.

f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

g. When portable scales are used in the enforcement of the provisions of this section, the axles of any vehicle described or commonly referred to as tandem or triaxle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or triaxles shall be weighed simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight, except that if any one axle in the group exceeds 20,000 pounds in weight, it shall not exceed the weight of any other axle in the group by more than 50

per cent. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the department of agriculture and industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by a enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

i. The state highway department, for cause, shall have the right to post or limit any road or bridge to weights less than those prescribed by this section. It is the legislative intent and purpose that the provisions of this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law-enforcement officers of the state, any county or city and incorporated towns.

j. Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester or husbandman may not be made to conform to the axle requirements of paragraph (4)a of this section or the gross weight requirements of paragraph (4)c of this section.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Crow, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Gaston, Grimsley, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Manley, Mathis, Melton, Minus, Nevett, Newman, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (L), Williams, Wilson and Zoghby.

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Nays: Rep. Payne. —1

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 517 as amended:

Amend the Substitute to H.B. 517 on page 1, Section 1, lines 26 through 30 by deleting lines 26 through 30 in their entirety and inserting in

lieu thereof the following:

highways, all highways with four or more lanes, and all two-lane primary highways of this state except those demonstrated by the Highway Director to be unsafe for this equipment. The Highway Director shall, as a minimum,

And the amendment was adopted.

Yeas 70: Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Horn, Johnson (A.L.), Johnson (Roy), Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Martin, Mathis, Melton, Minus, Moore, Nevett, Newman, Parker, Penry, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—70

And the bill:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 19.

Yeas:

Mr. Speaker, Ashley, Blake, Blakeney, Bowling, Box, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Holley, Holmes, Horn, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McMillan, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Penry, Preuitt, Reed, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Thomas, Trammell, Turner, Venable, Waggoner, Williams, Wright and Zoghby.

—60

Nays:

Reps. Adams, Bennett, Brakefield, Brooks, Campbell, Casey, Grouby, Hall, Johnson (R.G.), Johnson (Roy), McKee, Manley, Minus, Owens, Parker, Payne, Smith, Warren and White (F).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the

following Senate Bills, your signature thereto is requested:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

UNFINISHED BUSINESS

The House proceeded to the consideration of the Unfinished Business. And the bill:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

Was again taken up.

MOTION TO TABLE LOST

Rep. Payne offered a motion to reconsider the motion to indefinitely postpone the bill, H. 420 and to table that motion and it was lost.

Yeas 39; Nays 57.

Yeas:

Reps. Adams, Blakeney, Brooks, Carothers, Carter, Clikas, Cosby, Faulk, Flowers, Gaston, Grouby, Hammett, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Murphy, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L), Wilson and Wright.

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Nays:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Turnham, White (F), Williams and Zoghby.

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POINT OF PERSONAL PRIVILEGE

Rep. White (L), requested as a matter of personal privilege that the Journal show that had he been present at the time the vote was taken on the bill, H. 517, that he would have voted Aye.

H. 420 RESUMED

MOTION TO RECONSIDER

The question was then on the motion by Rep. Payne to reconsider the motion to indefinitely postpone the bill, H. 420.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Cooley (With Notice and Proof):

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 380, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Holmes (With Notice and Proof):

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 346, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Holmes (With Notice and Proof):

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 345, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Smith (J), Smith (B), and Barron (With Notice and Proof):

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS AT-

TACHED TO THE BILL, SB 272, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 380. Local Legislation No. 1.

S. 346. Local Legislation No. 1.

S. 345. Local Legislation No. 1.

S. 272. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:15 P.M. on May 24, 1983.

H. J. R. 14

Delivered to the Governor at 4:35 P.M. on May 24, 1983.

H. J. R. 153

H. J. R. 156

H. J. R. 157

H. J. R. 159

H. J. R. 160

H. J. R. 162

H. J. R. 165

H. J. R. 168

H. J. R. 169

H. J. R. 174

H. J. R. 176

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Cosby and pursuant to the resolution, H. R. 193, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, May 26, 1983.

Yeas 51; Nays 48.

Yeas:

Reps. Adams, Blakeney, Brooks, Butler, Carothers, Carter, Clikas, Cosby, Faulk, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Martin, Minus, Mitchell, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—51

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Nevett, Newman, Parker, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker and Turner.

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TWELFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, May 26, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rev. B. Gene Williams, Pastor, First United Methodist Church, Tallahassee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman,

Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 205. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 26, 1983, we adjourn to meet again on Tuesday, May 31, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 205, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 206. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 26, 1983, we adjourn to meet again on Tuesday, May 31, 1983, at 12:00 noon.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 206, was adopted.

Also:

By Reps. Seibels, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy),

Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.

WHEREAS, The Children's Hospital of Alabama, since 1911, has been Alabama's and Mississippi's only hospital specializing solely in the care of children and young people, and has expanded through the years to a present-day 160-bed regional facility providing primary outpatient, inpatient and specialty clinic care to children throughout a six-state area; and

WHEREAS, The Children's Hospital of Alabama has further evolved into one of our nation's major research and training facilities involved in all areas of pediatric concern; and

WHEREAS, The Children's Hospital has a policy of accepting all patients and, this year alone, some 100,000 youngsters will be treated, not only in emergency instances, on outpatient basis or for one-day surgery care, but in such acute care facilities as the Burn Treatment, Cancer Treatment, Trauma, Kidney Treatment and Transplantation Centers; and

WHEREAS, other areas in the facility's full range of treatment, care and research include cystic fibrosis, epilepsy, allergies, physical handicaps, lung diseases, adolescent problems, diabetes, and poison control; and

WHEREAS, in further health care advancement solely for children, the University of Alabama in Birmingham soon will extend its surgical program to include the Children's Hospital so that pediatric heart patients may now be served at that facility as well as UAB Hospital; and

WHEREAS, though miracles do happen daily at The Children's Hospital of Alabama, an opportunity now arises so that all Alabamians may contribute to the miracle of The Children's Hospital by participating in the Children's Miracle Network Telethon, the first of its kind to benefit children's hospitals such as our Children's Hospital in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and express inordinate pride in The Children's Hospital of Alabama and the quality treatment available for those in need of care; we further would request that all Alabamians unite and let us make a miracle happen through support of the Children's Miracle Network Telethon, May 28, and 29, with all funds raised in Alabama allocated to The Children's Hospital of Alabama.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 207, was adopted.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 353. (With Substitute): To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles and to prescribe penalties for violations of this Act.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 571. To amend Section 33-1-8, Code of Alabama 1975, which provides for the membership on the State Docks Advisory Committee, so as to include the Executive Director of the Greater Mobile Port Council on the Committee.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 262. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

H. 556. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailer; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

H. 643. To repeal Sections 22-21-290 through 22-21-297, Code of Alabama, 1975, as amended, which relate to the financial responsibility for the cost of medical treatment of certain indigent patients.

H. 626. To amend Sections 34-29-20, 34-29-21, 34-29-23, and 34-29-41, Code of Alabama 1975, relating to the Board of Veterinary Medical Examiners, so as to provide for an executive secretary and to delete references to

the secretary-treasurer.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 450. (With Substitute): To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 440. (With Substitute): To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19 thru 20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 72. (With Amendments): Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 146. (With Substitute): This bill provides that a physician shall have a lien upon any cause of action accruing to any injured person to whom such physician furnishes care and treatment; to provide the means of perfecting said liens; to provide for the time in which such lien must be filed and suit brought thereon; to provide no release or settlement of any such cause of action shall be effective as or against such lien unless such physician or his assign shall join therein or execute a release therefore; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand or judgment in any settlement or in the absence of release or satisfaction of the lien shall prima facie constitute impairment of such lien, and to give the lienholder right of action at law for damages on account of such impairment; to provide for recovery from one accepting a release or satisfaction or making settlement; to accept monies due under the Workmen's Compensation Laws from the provisions herein and to repeal conflicting laws.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 496. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 463. (With Amendment): To amend Section 36-17-15, Code of Alabama, 1975, relating to the duties of the Treasurer of the State of Alabama, so as to eliminate the requirement that the Treasurer of the State of Alabama clip and cancel all matured and unearned coupons on such coupon bonds of the State of Alabama as may be converted or exchanged into registered bonds of the State of Alabama; deleting the fixed fee now charged by the Treasurer upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds; granting authority to the Treasurer to prescribe regulations respecting the establishment, amount and alteration of such fees as may, in the discretion of the Treasurer, be appropriate and commercially reasonable upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds.

Rep. Manley, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 394. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to de-

fine the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 461. (With Amendment): To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees insurance board, so as to provide further for membership on the board.

Rep. Smith, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 145. To amend Section 7-9-204 of the Code of Alabama 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 155. To apply in all counties, wherein the use of voting machines has been, or shall be, authorized; to provide that the county commission in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county commission, prescribe the duties of such election officers, and fix their compensation.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 156. (With Amendment): To amend Section 36-9-17 of the Code of Alabama 1975, so as to further provide for the filling of vacancies in state or county offices.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calen-

dar, to-wit:

H. 371. (With Amendments): Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than $1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 616. To amend Section 9 of Act 79-722 (Section 11-54-148 Code of Alabama 1975, pocket part) to permit lease of certain municipal property for municipally financed hotel projects.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 523. (With Amendment): To authorize local city and county boards of education to establish reasonable compensation plans for members.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 529. to amend section 36-19-3, Code of Alabama 1975, relating to persons deemed assistants to the state fire marshal, so as to provide further for such assistants.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and

they were severally read a second time and placed on the Calendar, to-wit:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type of crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

H. 647. Relating to Tuscaloosa County; authorizing the county commission to levy an additional five mills ad valorem tax on all property located outside the corporate limits of the City of Tuscaloosa, but within Tuscaloosa County in all areas served by the County Board of Education, the proceeds of such tax to be used exclusively for educational purposes by the County Board of Education, and subject to the approval of the affected electors voting in a referendum election held for such purpose, and providing that if the tax is approved it shall become effective immediately and shall be levied and prorated for the remainder of the current fiscal year.

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 339. (With Substitute): To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence re-

lating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Rep. Langford, Chairman of the Standing Committee on Juciciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 473. The purpose of this bill is to repeal Section 12-17-99, Code of Alabama 1975, relating to the supplemental salary of the elected deputy circuit clerks and to repeal Section 17-2-8, Code of Alabama 1975, providing for the election of deputy circuit clerks in all counties having more than five circuit judges.

H. 465. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after the expiration of the appeal period or after final disposition of the case; to provide that any civil exhibits not withdrawn may be disposed of by the clerk on or after the expiration of one year from the final disposition of the case; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge immediately following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases may be released to the owner by order of the court, but if not, may be destroyed or disposed of as approved by the district attorney and the trial judge; to further provide that any such exhibits still on hand with the clerk one year after final disposition, as defined herein, may be destroyed or disposed of in accordance with the presiding circuit judge's approval; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party of his right to claim exhibits prior to their disposition as provided herein.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substi-

tute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 292. (With Substitute): To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

H. 466. (With Substitute): The purpose of this bill is to amend Sections 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; to prohibit wage loss by full-time employees required to serve on juries of courts created pursuant to the Constitution and laws of the United States and the State of Alabama; to provide a cause of action against employers for any wrongful deductions in wages as a result of the employee's absence from work for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the $.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 470. To repeal Section 6-6-462, Code of Alabama 1975, providing for the payment of costs to a garnishee whose answer is uncontroverted or in controverted cases, when judgement is entered in his favor.

H. 464. To repeal Section 35-9-83, Code of Alabama 1975, which provides that an eviction action brought under Section 35-9-80 may be removed by the defendant to the circuit court of the county in which the real estate sued for is situated.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 468. (With Substitute): The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 621. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

H. 471. To amend § 32-6-18, Code of Alabama 1975, to provide that a person convicted for driving without a license shall be guilty of a traffic infraction and to provide the penalties therefor and to delete subsection (e) providing for the collection, reporting and disposition of fines, penalties and/or forfeitures; to amend § 32-6-19, Code of Alabama 1975, to provide that a person who is convicted of driving while their license is cancelled, suspended or revoked, is guilty of a traffic infraction; to amend §§32-6-51 and 32-6-52, Code of Alabama 1975, to provide that operating a motor vehicle without a proper license tag or plate displayed on the rear of such vehi-

cle shall constitute a traffic infraction and to prescribe the penalty therefor; to amend § 32-6-65 Code of Alabama 1975, to provide that operating a motor vehicle without a current license shall be deemed a traffic infraction; to amend § 32-6-131, Code of Alabama 1975, to provide any person who affixes a special tag or plate on a vehicle other than the one for which it was issued shall be guilty of a traffic infraction and to prescribe the punishment therefor; and to amend §32-6-219, to provide that operating a vehicle with an expired temporary tag constitutes a traffic infraction and to prescribe the penalty therefor.

H. 459. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered by a responding state's court in a reciprocal nonsupport case and which are awarded in order to reimburse the Department of Pensions and Security for funds expended by it under public assistance programs, shall be ordered paid directly to the county department of pensions and security or the local district attorney's office.

H. 305. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 387. (With Substitute): To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render the board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability; to provide

for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 8. (With Amendment): To amend Section 13A-7-29 of the Code of Alabama 1975, relating to criminal littering so as to provide further for such offense.

H. 230. (With Amendment): To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 307. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

H. 469. To amend Section 17-10-13, Code of Alabama 1975, so as to provide that the clerk or register shall be disqualified from serving as the absentee election manager only if he or she is a candidate for office with opposition.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 406. (With Amendment): Relating to Jefferson County; amending further Section 19 of Act No. 248, H. 580, 1945 Regular Session (General Acts 1945, p. 376), which Act created and established a county-wide civil service system in each county having a population of 400,000 or more according to the last or any future federal census, so as to delete the maximum annual vacation leave that can be granted an employee of any such civil service system.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 593. Relating to Jefferson County; to provide that all telephone calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Jefferson County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 350. (With Amendment): To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality and to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County; to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan

for retired county employees at its discretion.

The above bill was read a second time at length as required by the Constitution.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 355. To prohibit the landing of aircraft on public highways or streets.

Rep. Holmes, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 630. (With Substitute): To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF THE HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

JEFFERSON COUNTY BILLS CONTESTED

Until further notice all Jefferson County Bills are Contested by Rep. Horn.

H. 84 RE-REFERRED

No objection being offered the Speaker re-referred the bill H. 84, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Smith:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

WHEREAS, the Isabella High School Mustangs enjoyed an outstanding baseball season posting a phenomenal 14-3 record which included area, regional and quarterfinal championships; and

WHEREAS, in addition to the Area 8 title by virture of wins of 2-1 and 13-3 over Fayetteville, the Mustangs beat Trinity 13-4 to take the regional crown and then edged out Mt. Olive 11-10 in the quarter final round of the state tournament; and

WHEREAS, the Isabella Mustangs, who also were the Central Alabama Athletic Conference Champions, were led to their fabulous season by Coaches Harold Gilliland and Frank Daniel with Bill Nabors serving as trainer; and

WHEREAS, the Mustangs to be congratulated on their championships are: Jerome Anderson, George Ramsey, Tim Cahalane, Ray Hall, Rodney Hill, Bill Littlefield, Eric Lowery, J.B. Talley, Clark Whatley, Randy Works, David Bishop, William Edwards, Greg Swanner, Woody Culp, Timmy Edwards, Shane Headley, Jamie Lecroy, Rodney Pairett, Earl Scott and Roger Baker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Isabella High School Baseball team on their outstanding season.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coaches Gilliland and Daniel on behalf of their staff and the Champion Mustangs with a copy also sent to Principal Martha Mims for appropriate school display.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 208, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Bowling (With Notice and Proof):

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. White (L) and Carothers:

H. 656. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such

charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this Act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said Code.

Banking.

By Reps. Johnson (RG) and White (L):

H. 657. Relating to the Medicaid Agency; prescribing that in addition to any and all other laws, the Medicaid Agency shall first have any rule or regulation approved by the Standing Interim Committee on the Medicaid Agency; prescribing that the provisions of this Act shall not be construed to repeal the Alabama Administrative Procedures Act, Title 41, Chapter 22, Code of Alabama 1975; and repealing conflicting laws.

Health.

By Reps. Zoghby, Clark and Kennedy:

H. 658. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that any qualified elector be appointed as deputy registrars.

Local Government.

By Reps. White (L) and Waggoner:

H. 659. Providing that certain personnel employed by the state alcoholic beverage control board shall have been considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits and providing that such personnel shall be eligible for such benefits to the same extent as other members under such system at no additional cost to such personnel.

Ways and Means.

By Rep. Johnson (Roy) (With Notice and Proof):

H. 660. To authorize the West Alabama District Board of Health (said Board being the combined boards of Health of the following counties: Bibb, Fayette, Hale, Greene, Lamar, Pickens and Tuscaloosa) to designate the services rendered by the local Health Department for which a reasonable fee may be charged. The West Alabama District Board of Health is further required to set a maximum fee for each service. The local health department may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

State Administration.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Layton:

H. 661. To amend sections 11-91-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258)

relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

State Administration.

By Reps. Wilson and Layton:

H. 662. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Ways and Means.

By Rep. Harvey:

H. 663. To amend Code of Alabama (1975), Section 40-20-2(a), as amended, so as to provide an exemption for occluded natural gas produced from coal seams from the statewide production privilege tax in order to promote and encourage industrial growth and development.

Ways and Means.

By Reps. Clikas, Penry, Harper, Gaston, Turner, Holley and Warren:

H. 664. Relating to state income taxation, so as to provide that all retirement and survivor payments made from the United States Military Services to any of its retirees or survivors and all disability or survivor payments made to disabled veterans of any of the United States Military Services or their survivors shall be exempt from the payment of state income taxation, effective January 1, 1984.

Ways and Means.

By Rep. Clikas:

H. 665. To establish the Alabama Small Business Assistance Corporation, to provide that its purposes include the protection and enhancement of employment opportunities in Alabama through providing low interest financing for small businesses, to define terms, to provide that the Corporation may borrow money to finance its purposes, to provide that the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council may become a public corporation through filing of a certificate of incorporation with the Secretary of State of the State of Alabama, to provide that the Corporation may determine qualifications necessary for making loans to qualifying small businesses, to provide that the Corporation shall within the limits set out by the Legislature determine whether businesses qualify hereunder, to provide an effective date and to repeal all laws not consistent with this Act.

Small Business.

By Rep. Clikas:

H. 666. To amend Section 40-17-31, Code of Alabama 1975, which relates to a tax on gasoline, so as to provide further for only the distribution

of the proceeds for marine purposes from such tax on gasoline.

Ways and Means.

By Rep. Clikas:

H. 667. To amend section 25-10-6 of the Code of Alabama 1975, to provide for the choosing of a chairman of the advisory council from among the membership thereof.

State Administration.

By Reps. Mathis and Grimsley:

H. 668. To amend Sections 31-6-4, 31-6-5 and 31-6-6, Code of Alabama 1975, relating to educational benefits for certain children or wives or widows of certain deceased or disabled veterans or prisoners of war, so as to further provide therefor.

Ways and Means.

By Rep. Minus (With Notice and Proof):

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 669, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Rogers and Horn:

H. 670. To relate to Class 1 municipalities (any city with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to create and provide for a racing commission for the regulating, licensing and supervision of horse racing and wagering thereon in any such municipality; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed racetrack; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of any such municipality on the question of whether the act will become effective in the municipality.

Ways and Means.

By Rep. Hettinger:

H. 671. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by

the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Commerce and Industrial Development.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Drake, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

WHEREAS, numerous Alabama farmers are faced with serious financial problems, many not of their own making, such as embargoes, crop failures, low prices for crops and high interest rates; and

WHEREAS, many of our farmers find themselves facing huge debts they are unable to retire due to high interest charges, and therefore are being forced to watch their equity swiftly erode; and

WHEREAS, the FmHA was established to help farmers during times of financial need and the agency has indeed helped many Alabama farmers; due to certain regulations, however, and limited funds, the FmHA has not been able to help all those in need; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the members of the Alabama Congressional Delegation to help those Alabama farmers who are in financial distress by (a) helping to provide for emergency consolidation loans, as low as 3% to 5%, to be made to those farmers who currently are FmHA customers, and (b) by making funds, also at 3% to 5%, available to assist those farmers who heretofore have not needed FmHA assistance, but are now, for the first time, facing debts they are unable to service; under pressure from their creditors, they have turned to FmHA for help but are being refused for various reasons.

BE IT FURTHER RESOLVED, that it is the consensus of this body that if these two policies are initiated, due to payment-in-kind and other economic changes, our Alabama farmers will be able to retire their debts in a timely manner and continue their farming operations; otherwise many hundreds more Alabama farmers will be forced into bankruptcy.

RESOLVED FURTHER, That we hereby most strongly solicit the support of Alabama's Congressional Delegation in helping our farmers secure low cost loans to avoid bankruptcy and to enable them to continue their

farming operations.

RESOLVED FURTHER, That the Clerk of the House is directed to forward copies of this resolution to each member of Alabama's congressional Delegation in Washington, D.C.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

By Reps. Hall, Butler, Brooks, Freeman and Hettinger:

H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as the Madison County Tax Distribution Study Commission, hereinafter called "the Commission." The Commission shall be composed of a total of nine (9) members, with each member of the Madison County Legislative Delegation making one appointment. The Chairman shall be elected from among its members and shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative and clerical assistance shall be available from the Madison County Legislative Office.

The purpose of the Commission shall be to conduct studies and provide information and recommendations, regarding local sales tax, local beer and alcoholic taxes, money paid by the City of Huntsville utilities in lieu of taxes and other areas as directed by the Madison County Delegation, to the said delegation.

The Commission shall make its recommendations to the Madison County Legislative Delegation by December 1, 1983, at which time it shall be discharged of any further responsibilities or duties.

On motion of Rep. Hall, the rules were suspended and the resolution, H. J. R. 210, was adopted.

Also:

By Rep. Nicholson:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

WHEREAS, Johnnie B. Cain, teacher of Valley School in Walker County, Alabama, has announced her retirement to coincide with the conclusion of the current school term; and

WHEREAS, Johnnie B. Cain, whose career is distinguished both in length of tenure and in accomplishment, has served in public education in Alabama for 18 years, 16 of those years at Union Chapel; and

WHEREAS, she has dedicated her life and energies to the youth of Walker County and has worked tirelessly to ensure that the children of Walker County receive the education they need and deserve; and

WHEREAS, the friends of Johnnie B. Cain, her colleagues, students and family are to gather on May 28, 1983 to honor her at Valley School; now

therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Johnnie B. Cain of Walker County, Alabama on her distinguished educational career and express our sincere appreciation for her dedicated service on behalf of the youth of Alabama and most particularly in Walker County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent to Johnnie B. Cain that she may know of our sincere warm praise and highest regard.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 211, was adopted.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama has noted that Glen Clem and his Walker College Rebels have brought great pride and recognition to the State of Alabama by being one of the Final Four teams in the National Junior College Basketball Tournament in Hutchenson, Kansas; and

WHEREAS, the 1982-83 Walker College Rebels basketball team got off to an almost disasterous beginning when Coach Glen Clem was stricken with a heart attack during a game; and

WHEREAS, Glen Clem successfully underwent heart bypass surgery and because of his courage and determination Glen Clem was able to overcome his adversity and return to his team before the end of the basketball season; and

WHEREAS, the example set by Glen Clem inspired the Walker College Rebels to compile a 29-3 record, win the second annual Coal Classic, become the District XX Champions, and being among the Final Four in the National Junior College Tournament played in Hutchenson, Kansas; and

WHEREAS, Glen Clem's 26 years as head basketball coach at Walker College have been ones of distinction which have been highlighted by numerous tournament titles and an unprecedented five Alabama Junior College State Championships; and

WHEREAS, individuals have always been more important to Glen Clem than basketball titles and championships and his greatest successes are the many students and players who have graduated from Walker College and have gone on to be successful in life; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we join with his family, friends, fellow coaches and fellow citizens in commending and congratulating Glen Clem on his many achievements both on and off the basketball court.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Glen Clem that he may know of our commendation and congratulations and our sincere wishes for many more successes.

On motion of Rep. Nicholson, the rules were suspended and the resolution, H. J. R. 212, was adopted.

Also:

By Reps. Waggoner, Scott, Seibels and Venable:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

WHEREAS, the Alabama Legislature has been grievously saddened by the death of Mr. Clarence B. Hanson, Jr., of Birmingham, Alabama on May 14, 1983, at the age of 74 years; and

WHEREAS, Mr. Hanson was born in Augusta, Georgia, received a B.S. degree from the University of Virginia in 1929, and an honorary doctorate of letters from the University of Alabama; and

WHEREAS, in 1930, Mr. Hanson joined *The Birmingham News* full time as an advertising solicitor thus beginning an association which was to last 53 years; he also served as national advertising manager, assistant advertising director, then vice president before becoming president and publisher of The Birmingham News Company in 1945, a position he held for a period of 35 years, then became chairman of the board in 1980; and

WHEREAS, Mr. Hanson, was a major in the United States Air Force from 1942-1945; and

WHEREAS, Mr. Hanson was first and foremost a dedicated newspaper publisher, he was also an organizer, vice president and director of Coosa River Newsprint Company (now a division of Kimberly-Clark), a former director of Hayes International Corporation (now City Investing Company), Birmingham Fire and Casualty Company (now St. Paul Companies), Royal Crown Companies, First National Bank of Birmingham and Alabama Bancorporation (now AmSouth Bank and AmSouth Bancorporation); and

WHEREAS, Mr. Hanson was affiliated with numerous professional organizations, both as an active member and a leader, which included The Associated Press, The American Newspaper Publishers Association, Southern Newspaper Publishers Association and the Alabama Press Association; and

WHEREAS, he was an Episcopalian and a member of several civic organizations; and

WHEREAS, Mr. Hanson's death has indeed left a deep void in the community he loved and served with unselfish dedication and to the good and betterment of all the citizens of the area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Clarence B. Hanson, Jr., of Birmingham and direct that a copy of this resolution be provided for his family that they all may know we truly share the sorrow of their great loss.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 213, was adopted.

Also:

By Rep. Gaston:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with great pleasure and utmost regard the selection of Miss Mary Jane Rice of Baker High School in Mobile, Alabama, as a United States Presidential Scholar Finalist; and

WHEREAS, Mary Jane, who is the daughter of Mr. and Mrs. Harold Thomas Rice, received a composite ACT score of 33 and ranks second in her class of 261 students; and

WHEREAS, in addition to academics, Mary Jane has excelled also in numerous other areas during her high school years: She has been a Junior Civitan, president of the Junior Achievement Company, Student Council Section Representative, National Honor Society and Who's Who among American High School Students, and

WHEREAS, she further was twice voted most studious girl, Junior Achievement in the 10th and 12th grades, Key Club, 11 and 12, Honor Roll 9-12, Future Business Leaders of America, 10th, and Outstanding English Student as well as outstanding Spanish Student in the 11th Grade; and

WHEREAS, Mary Jane has worked as a cashier at Burger King and she plans to enter the School of Engineering at the University of Alabama in the Fall '83 term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Miss Mary Jane Rice of Mobile, Alabama, for outstanding achievement; we further wish her well in all future endeavors and direct that she receive a copy of this resolution in small token of our esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 214, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Blakney:

H. R. 215. COMMENDING MR. BEALIE HARRISON OF GROVE HILL, ALABAMA, 1983 SOUTHERN REGION TREE FARMER OF THE YEAR.

Also:

By Rep. Layton:

H. R. 216. COMMENDING JOHN A. KNOX, HUFFMAN HIGH SCHOOL, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Lewis:

H. J. R. 217. REQUESTING GOVERNOR GEORGE C. WALLACE TO CALL ELECTIONS.

WHEREAS, the Federal Judiciary has placed this Legislature in an almost untenable position by ordering that a reapportionment be made in the first year of the four-year term to which the members were elected; and

WHEREAS, the new legislative districts as ordered by the courts would place numerous incumbent members in the same districts with other incumbent members; and

WHEREAS, the Democratic process of electing the best-qualified citizens for legislative seats is best served by the holding of nominating primaries by the existing political parties; and

WHEREAS, unless such primaries are held, the existing parties would be forced to nominate by caucus of their executive committees; and

WHEREAS, the latter process would deny Alabama voters a voice in the selection of candidates and be tantamount to taking away their right to vote; and

WHEREAS, many incumbent legislators would be denied nomination, despite their election in November of 1983, if nominations for the court-ordered election this Fall were to be made in "smoke-filled" rooms; and

WHEREAS, only the Governor of the State of Alabama is empowered to call a special election; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Governor George C. Wallace be earnestly requested not to deny the people of Alabama their right to vote.

BE IT FURTHER RESOLVED, That he call a special general election for November 8, as prescribed by the Alabama Code; and further, that he call primary elections in keeping with the provisions of the Alabama Code so that election officials and party officials will have sufficient time to set qualifying deadlines and to perform the numerous other tasks required to conduct an orderly election process and so that further review by the Federal Government will not be necessary.

DIVISION OF THE QUESTION

MOTION TO SUSPEND RULES AND ADOPT

Rep. Lewis offered the motion to suspend the rules and adopt the resolution, H. J. R. 217.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Lewis to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 217, and the motion was lost.

Yeas 12; Nays 56.

Yeas:

Reps. Cosby, Kvalheim, Lewis, McKee, McMillan, Minus, Murphy, Payne, Scott, Seibels, White (L), and Wright.

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Nays:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Bryant, Campbell, Casey, Clark, Clikas, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Harper, Harvey, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.),

Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rice, Richardson, Rogers, Starkey, Starr, Thomas, Thornton, Trammell, and Venable.

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The resolution, H. J. R. 217, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little and Bedsole:

S. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

WHEREAS, the 1982 Regular Session of the Alabama Legislature passed Legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1984 Regular Session on the state of the Arts and Humanities as investigated by the Committee. The Committee shall be entitled to secretarial assistance provided by the Alabama Legislature but the members of the committee so serving shall do so without compensation. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

1. The appropriate level of state support for the arts;

2. The level of demand for the arts;

3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;

4. The place of arts in education;

5. The role of government in supporting the arts versus the role of the private sector;

6. The involvement of minorities in the arts;

7. The need for interim, standing or joint committees on the arts;

8. Alternate approaches to supporting the arts;

9. The use of public buildings in non-peak hours for arts activities;

10. The need for art in public places;

11. The availability and accessibility of the arts to all citizens.

BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1984 Regular Session.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution S. J. R. 47, set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Kvalheim:

H. R. 218. COMMENDING MR. JIMMY VARNADO OF MOBILE, ALABAMA.

MOTION TO RE-COMMIT H. 247 LOST

On motion of Rep. Holley, the motion by Rep. Harper to re-commit the bill, H. 247 was tabled.

Yeas 46; Nays 21.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Casey, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Moore, Nicholson, Parker, Rogers, Sasser, Scott, Smith,

Starkey, Stout, Thomas, Thornton, Trammell, and White (L).

—46

Nays:

Reps. Blakeney, Box, Buskey, Clark, Clikas, Coburn, Gaston, Harper, Kennedy, Kvalheim, Lewis, McMillan, Newman, Payne, Penry, Richardson, Turner, Turnham, Warren, Wright, and Zoghby.

—21

MOTION TO RECOMMIT H. 44

At the request of Rep. Turner, the Speaker recommitted the bill, H. 44 to the Standing Committee on Local Legislation No. 3.

H. 45 TEMPORARILY POSTPONED

On motion of Rep. Turner the bill, H. 45, was temporarily postponed.

BILLS ON THIRD READING

And the bill:

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Casey, Clark, Clikas, Coburn, Cosby, Crow, Dutton, Freeman, Gaston, Grouby, Hall, Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, Manley, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Parker, Poole, Rains, Richardson, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Waggoner, Warren, Wright, and Zoghby.

—54

And the bill:

H. 504. To provide for a special recording fee of $1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Campbell, Casey, Clark, Coburn, Cosby, Crow, Drinkard, Dutton, Freeman, Gaston, Hall, Harvey, Junkins,

Kvalheim, Lauderdale, Manley, Martin, Mathis, Melton, Mitchell, Newman, Owens, Parker, Penry, Poole, Richardson, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Warren, and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 519. To provide for branch banking in Pickens County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Campbell, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Ford, Gaston, Grouby, Hall, Harvey, Johnson (R.G.), Kvalheim, Lauderdale, McMillan, Manley, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Warren, Wilson, and Zoghby.

—54

And the bill:

H. 520. (With Amendment): Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 520, Section 1, page 1, by deleting lines 37, 38, and 39 in their entirety and by inserting in lieu thereof, the following:

the County General Fund

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Box, Brakefield, Brooks, Casey, Coburn, Cosby, Crow, Drinkard, Dutton, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Hettinger, Junkins, Kvalheim, Lauderdale, Layton, Manley, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rice, Richardson, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Venable, Warren, Wilson, and

Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 520, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Casey, Clark, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Johnson (R.G.), Junkins, Kvalheim, Lauderdale, Manley, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Rice, Richardson, Scott, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Venable, Warren, Wilson, and Zoghby.

—60

And the bill:

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Bryant, Casey, Clikas, Coburn, Cosby, Crow, Drinkard, Dutton, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Harvey, Hettinger, Junkins, Kvalheim, Langford, Lauderdale, Manley, Martin, Mathis, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Richardson, Scott, Starr, Stout, Thomas, Trammell, and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES

Rep. Payne offered the motion to suspend the rules and take up out of order the bill, H. 312.

DIVISION OF THE QUESTION

Rep. Coburn called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Payne to suspend the rules in order to take up out of order the bill, H. 312 and the motion was lost.

Yeas 8; Nays 9.

Yeas:

Reps. Biddle, Layton, Lewis, Moore, Murphy, Payne, Waggoner, and Wright.

—8

Nays: Reps. Bryant, Davis, Escott, Horn, Langford, Rogers, Scott, Seibels, and Thornton.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee of a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a paramutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quineila pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene

County Courthouse.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

H. 424. TEMPORARILY POSTPONED

On motion of Rep. Box, the bill, H. 424, was temporarily postponed.

H. 475 TEMPORARILY POSTPONED

On motion of Rep. Gaston, the bill, H. 475, was temporarily postponed.

And the bill:

H. 542. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carter, Clikas, Coburn, Coleman, Crow, Drinkard, Dutton, Freeman, Gaston, Howard, Junkins, Kvalheim, Langford, Lauderdale, McMillan, Mathis, Melton, Moore, Newman, Owens, Parker, Penry, Scott, Seibels, Starkey, Starr, Thomas, Wilson, Wright, and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Coburn, Coleman, Cosby, Crow, Dutton, Freeman, Gaston, Grouby, Hettinger, Langford, Lauderdale, McMillan, Manley, Melton, Mitchell, Newman, Nicholson, Owens, Parker, Penry, Rice, Scott, Seibels, Smith, Starkey, Starr, Thomas, Waggoner, and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 24; Nays 0.

Yeas:

Reps. Adams, Ashley, Bowling, Brooks, Bryant, Buskey, Carter, Casey, Coburn, Cosby, Crow, Drinkard, Dutton, Hettinger, Langford, Manley, Mathis, Mitchell, Penry, Poole, Rice, Seibels, Starkey, and Wright.

—24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 527. (With Amendment): Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said amendment being as follows:

AMEND HOUSE BILL 527 as follows:

Page 2, line 46 after the word "qualifications" by striking ~~herinafter~~ and inserting in lieu thereof hereinafter

Page 4, line 123, after the word "to" by striking ~~deli-~~ and inserting in lieu thereof dele- and on line 127, after the word "may" by striking ~~deligate~~ and inserting in lieu thereof delegate.

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Casey, Coburn, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Gaston, Grouby, Hammett, Harvey, Hettinger, Holmes, Johnson (Roy), Kvalheim, Langford, Lauderdale, Manley, Mathis, Melton, Mitchell, Newman, Nicholson, Parker, Penry,

Poole, Rice, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turnham, Wright, and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 527, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Faulk, Freeman, Grimsley, Hammett, Harvey, Hettinger, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Manley, Mathis, Melton, Mitchell, Newman, Nicholson, Owens, Parker, Poole, Reed, Rice, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Venable, Waggoner, and Wright.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 528. (With Amendment): Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1982, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend House Bill 528, page 1, beginning on line 24, after the word "adopted" by striking ~~during the Regular Session of the Legislature of Alabama of 1982~~, and by inserting in lieu thereof the following:

by the 1983 Alabama State Legislature,

And on page 2, beginning on line 53, after the word "adopted" by striking ~~during the Regular 1982 Session of the Legislature~~ and inserting in lieu thereof the following:

by the 1983 Alabama State Legislature,

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Brakefield, Bryant, Butler, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Goodwin, Grimsley, Hammett, Harper, Harvey, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Owens, Parker, Rice, Sasser, Scott, Starkey, Starr, Thomas, Trammell, and Venable.

—45

PRESENCE OF A QUORUM ASCERTAINED

The Presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting of or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Ford, Goodwin, Grimsley, Hammett, Harper, Harvey, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Manley, Mathis, Minus, Mitchell, Newman, Nicholson, Owens, Parker, Penry, Rains, Rice, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Trammell, Venable, Wright, and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 223. To amend Section 1 of Act No.52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Drinkard, Ford, Gaston, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Johnson (Roy), Kvalheim, Langford, Lauderdale, Manley, Mitchell, Newman, Owens, Parker, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starr, Thomas, Trammell, Venable, Wilson, and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Murphy was added as a co-sponsor to the bill, H. 443.

BILLS ON THIRD READING RESUMED

And the bill:

H. 475. (With Amendment): Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; and providing for the forfeiture of certain funds upon falsification of registration forms.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

On page 1, line 18, delete the following word:

"and"

On page 1, line 19, delete the ~~period~~ and insert in lieu thereof the following language:

and providing for retroactive effect to January 1, 1983.

On page 4, after line 9, insert the following language:

During the 1983 calendar year, said tax proceeds shall be distributed in the following manner: Within thirty days after the effective date of this act, each association shall register youths according to Section 5 of this act. Forty-five days after the effective date of this act, each association shall submit to the board a list of registrants. Thereupon the board shall prorate the total amount of said tax proceeds for the per capita distribution according to the number of registrants of an association. In years subsequent to 1983, distribution of the tax proceeds shall be made in the manner as hereinafter set forth.

Also, on page 4, delete lines 31 and 32 in their entirety and insert in lieu thereof the following language:

retroactive to January 1, 1983.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Junkins, Kvalheim, Langford, Lauderdale, Layton, Manley, Mathis, Melton, Mitchell, Moore, Newman, Parker, Penry, Poole, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Venable, Wright, and Zoghby.

—62

AMENDMENT OFFERED

Rep. Clark offered the following amendment to the bill H. 475, as amended:

Amend House Bill 475, page 2, immediately following line 11 by adding the following:

(20) Trinity Gardens Athletic Council

(21) Taylor Park Athletic Committee

(22) Gogas Park Athletic Committee

(23) Kidd Park Athletic Committee

(24) Carver Park Athletic Committee

(25) Texas Street Little Boys Baseball League Association

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drinkard, Ford, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Parker, Penry,

Poole, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, White (F), White (L), Wilson, Wright, and Zoghby.

—67

And the bill:

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drinkard, Faulk, Ford, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Holmes, Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Melton, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, White (F), White (L), Wilson, Wright, and Zoghby.

—67

UNFINISHED BUSINESS

The House then proceeded to the consideration of the Unfinished Business.

And the bill:

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

As amended on the ninth legislative day was taken up.

MOTION TO RECONSIDER ADOPTED

The question was then on the motion by Rep. Payne to reconsider the motion to indefinitely postpone the bill, H. 420 as amended and the motion was adopted.

Yeas 59; Nays 42.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Howard, Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Penry, Reed, Rice, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, White (F), Williams, and

Zoghby.

—59

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Carter, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kvalheim, Lewis, McKee, McMillan, Manley, Martin, Murphy, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Stout, Venable, Waggoner, Warren, White (L), Wilson, and Wright.

—42

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Coleman, Harvey and Rains:

H. R. 219. COMMENDING THE MARSHALL COUNTY POULTRY GROWERS FOR THEIR OUTSTANDING ACHIEVEMENTS IN THE INDUSTRY.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SUPREME COURT ADVISORY OPINION

The following letter of transmittal and Supreme Court Advisory Opinion regarding House Joint Resolutions 108 and 116 was received, read and ordered filed:

SUPREME COURT OF ALABAMA
Montgomery 36101
May 25, 1983

Dorothy F. Norwood
Acting Clerk.

Hon. McDowell Lee
Secretary of the Senate
Senate Chamber
State Capitol
Montgomery, AL 36130

Hon. John W. Pemberton
Clerk of the House
State Capitol, Room 212
Montgomery, AL 36130

Gentlemen:

Re: House Joint Resolutions 108 and 116

Enclosed are orders entered by the Supreme Court of Alabama in connection with the above-referenced House Joint Resolution, which we would like to have brought to the attention of the presiding officers of the Senate and House of Representatives, and request that each be read and spread upon the Journal of the Senate and House of Representatives.

Yours sincerely,

DOROTHY F. NORWOOD,
Acting Clerk.

DFN:lbl
Enclosures

cc: Hon. Bill Baxley
Lieutenant Governor

Hon. Tom Drake, Speaker
House of Representatives

Hon. Earl F. Hillard, Chairman
Senate Judiciary Committee

Hon. Charles D. Langford, Chairman
House Judiciary Committee

May 23, 1983
THE STATE OF ALABAMA
JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1982-83

ORDER

WHEREAS, on May 5, 1983, the legislature of the State of Alabama adopted House Joint Resolution 116, urging that the Supreme Court of Alabama, pursuant to its rule-making powers, "allow any current graduate and future graduates of Birmingham School of Law, Miles College School of Law and Jones Law Institute to be admitted to be examined at any state bar examination provided such graduate is duly certified by the proper officials of such institutions as having satisfactorily completed the legal training requirements of the respective institutions and meets all other requirements, and upon passage of such state bar examination allow such person into the practice of law upon meeting all other requirements therefor"; and

WHEREAS, on April 7, 1978, the Board of Commissioners of the Alabama State Bar filed in this Court a resolution requesting that Rule 4(C) of the Rules Governing Admission to the Alabama State Bar be amended to permit only graduates of law schools approved by the American Bar Association or the Association of American Law Schools be allowed to sit for the Alabama State Bar examination; and

WHEREAS, this Court held a public hearing concerning the resolution and allowed all interested parties to file briefs and position papers concerning the matter; and

WHEREAS, on March 26, 1981, this Court entered an order amending Rule 4(C) of the Rules Governing Admission to the Alabama State Bar based on the recommendation of the Board of Commissioners of the Alabama State Bar; and

WHEREAS, the Supreme Court is interested in receiving comments and recommendations from the Board of Bar Commissioners of the Alabama State Bar regarding House Joint Resolution 116 that the Rules Governing Admission to the Bar be amended to allow graduates of in-state, unaccredited law schools to sit for the Alabama state bar examination;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED that the Board of Commissioners of the Alabama State Bar, is requested to meet and consider the said Joint House Resolution 116 and to file with this Court a report of its comments and recommendations with respect thereto.

Torbert, C.J., Maddox, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

Faulkner, J., dissents.

May 23, 1983
THE STATE OF ALABAMA
JUDICIAL DEPARTMENT
IN THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1982-83

ORDER

WHEREAS, on May 5, 1983, the legislature of the State of Alabama adopted House Joint Resolution 108 urging the Supreme Court of Alabama, pursuant to its rule making powers, "to exempt each current and future legislator-attorney, the Clerk of the House and Secretary of the Senate if they be attorneys, from its rules for mandatory continuing legal education for the respective terms of their respective offices, or for so long as they shall serve as members of the Alabama legislature, or their respective offices"; and

WHEREAS, this Court has received requests from members of the Alabama State Bar that continuing legal education credit be given for attending the annual business meeting of the Alabama State Bar; and

WHEREAS, Rule 4 of the Rules for Mandatory Continuing Legal Education provides that credit will be given for continuing legal education programs sponsored by the Alabama State Bar; and

WHEREAS, the Supreme Court of Alabama is interested in receiving the comments and recommendations of the Commission on Continuing Legal Education regarding the proposal to exempt members of the legislature who are attorneys at law and certain officers of the legislature from the educational requirements of the Rules for Mandatory Continuing Legal Education, and also with respect to the request that credit be given for attending the annual business meeting of the Alabama State Bar;

NOW THEREFORE, IT IS CONSIDERED AND ORDERED AS FOLLOWS:

(1) That the Commission on Continuing Legal Education of the Alabama State Bar is requested to consider, as promptly as possible, and then file with this Court a report of its comments and recommendations with respect to both the request of the legislature in its Joint House Resolution 108 and the proposal with respect to credit for attending the annual business meeting of the Alabama State Bar.

(2) That the Commission on Continuing Legal Education is requested to draft and submit to this court for its consideration appropriate amendments to the Rules for Mandatory Continuing Legal Education to provide for the exemption requested by House Joint Resolution 108.

(3) That the Commission on Continuing Legal Education is requested to advise the Court as to the agenda for the July 1983 annual bar association meeting and as to the continuing legal education credit to be given for attending each portion of the program; and

(4) That a copy of this order be forwarded to both the Secretary of the Senate and the Clerk of the House of Representatives in response to House Joint Resolution 108, and that copies also be forwarded to the President of the Senate and the Speaker of the House of Representatives, and the Judiciary Committees of both houses.

Torbert, C.J., and Faulkner, Shores, Embry, Beatty, and Adams, JJ., concur. Maddox, Jones, and Almon, JJ., dissent.

BILLS ON THIRD READING RESUMED

H. 420 RESUMED

SUBSTITUTE OFFERED

Rep. Campbell offered the following substitute to the bill, H. 420, as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. "§40-14-40. Amount of levy on domestic corporations. Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of ~~$3.00 on each $1,000.00 of~~ based on its capital stock; as follows:

For the tax year beginning	Rate on each $100,000.00 of capital stock
January 1, 1984	$ 8.00
January 1, 1985	$10.50
January 1, 1986	$13.00
January 1, 1987 and all tax years thereafter	$15.00

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of ~~$25.00~~ $50.00.

Section 2. §40-14-43. Remittance of tax. Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty-fifths of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the "Counties Portion", shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One-fifth~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

	Distribution Schedule	
For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion
January 1, 1984	7.00%	17.50%
January 1, 1985	6.75%	16.75%
January 1, 1986	6.50%	16.00%
January 1, 1987 and all tax years thereafter	6.25%	15.25%

In this section, "general welfare purposes" means:

(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective January 1, 1984 following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TO THE SUBSTITUTE OFFERED

Rep. Payne offered the following substitute to the substitute offered by Rep. Campbell to the bill, H. 420 as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend the following sections of the Code of Alabama 1975: § 40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

Be It Enacted by the Legislature of Alabama:

Section 1. "§ 40-14-40. Amount of levy on domestic corporations. Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax ~~of $3.00 on each $100,000.00 of~~ based on its

capital stock; as follows:

For the tax year beginning	Rate on each $100,000.00 of capital stock
January 1, 1984	$ 3.00
January 1, 1985	$ 3.00
January 1, 1986	$ 5.00
January 1, 1987 all tax years thereafter	$ 6.00

provided, that in no event shall the amount paid by any corporation for annual franchise tax be less that the sum of $35.00 $50.00.

Section 2. § 40-14-43. Remittance of tax. Remittance of the franchise tax required by the above sections shall be made to the department of revenue at Montgomery, Alabama, with checks payable to the state treasurer of Alabama. ~~Two twenty fifths percent of the~~ The franchise tax collected shall be distributed as follows: One part, which shall be known as the "Counties Portion", shall be apportioned by the department of revenue to the several counties in which the corporation does business, proportion to the amount of taxable property of such corporation in each of said counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue. ~~One fifth percent~~ One portion of the franchise tax collected shall be deposited in the state treasury to the credit of the state public welfare trust fund and is hereby appropriated for general welfare purposes; the remainder of said tax shall be paid by the department of revenue to the general fund. The annual portions referred to above shall be in accordance with the following distribution schedule:

	Distribution Schedule	
For the tax year beginning	Counties Portion	Public Welfare Trust Fund Portion
January 1, 1984	7.00%	17.25%
January 1, 1985	6.75%	16.25%
January 1, 1986	6.50%	15.50%
January 1, 1987 and all tax years thereafter	6.25%	14.75%

In this section, "general welfare purposes" means:

(1) The administration of public assistance as set out in Sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the Federal Social Security Act to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective January 1, 1984 following its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO TABLE ADOPTED

The motion offered by Rep. Campbell to table the substitute offered by Rep. Payne to the bill, H. 420 as amended and with pending substitute was adopted.

Yeas 52; Nays 43.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Penry, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, Williams, and Zoghby.

—52

Nays:

Reps. Adams, Bennett, Biddle, Blakeney, Brooks, Carothers, Clikas, Cosby, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Moore, Murphy, Owens, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Tucker, Venable, Waggoner, Warren, White (L), Wilson, and Wright.

—43

The question was then on the adoption of the substitute offered by Rep. Campbell to the bill, H. 420 as amended and the substitute was adopted.

Yeas 72; Nays 24.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Penry, Reed, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, White (F), Williams, and Zoghby.

—72

Nays:

Reps. Adams, Blakeney, Carothers, Cosby, Flowers, Gaston, Grouby, Harper, Johnson (A.L.), Kvalheim, McKee, Manley, Martin, Parker, Payne, Poole, Preuitt, Rains, Richardson, Starr, Warren, White (L), Wilson, and

Wright.

—24

AMENDMENT OFFERED

Rep. Faulk offered the following amendment to the bill, H. 420 as amended:

Amend H.B. 420 on page 2, Section 2, line 24 under the heading, "Distribution Schedule — Counties Portion" by deleting after the date January 1, 1985, the figure ~~6.75%~~ and substituting in lieu thereof the figure 7.5%

Further amend on line 25 after the date, January 1, 1986 by deleting the figure ~~6.50%~~ and substituting in lieu thereof 8.0%

Further amend on line 26 under the above heading by deleting after the date "all tax years thereafter" the figure ~~7.25%~~ and substituting in lieu thereof the figure: 9.0%

AMENDMENT TABLED

On motion of Rep. Campbell the amendment offered by Rep. Faulk to the bill H. 420 as amended, was tabled.

Yeas 52; Nays 44.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Goodwin, Grimsley, Harvey, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Minus, Mitchell, Nevett, Nicholson, Parker, Reed, Rogers, Starkey, Stout, Thornton, Trammell, Turner, Williams, and Zoghby.

—52

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Cosby, Faulk, Gaston, Grouby, Hammett, Harper, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Murphy, Newman, Owens, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starr, Tucker, Venable, Waggoner, Warren, White (F), White (L), Wilson, and Wright.

—44

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 420, as amended:

Amend Substitute to Ways and Means Committee Substitute to H. 420 as follows: Page 1, by striking lines 28-30 in their entirety and inserting the following:

January 1, 1984	$ 3.00
January 1, 1985	$ 5.00
January 1, 1986	$ 7.00
January 1, 1987 and	

all tax years thereafter	$ 8.00

AMENDMENT TABLED

On motion of Rep. Campbell the amendment offered by Rep. Payne to the bill, H. 420 as amended, was tabled.

Yeas 56; Nays 39.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Penry, Reed, Rice, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Williams, and Zoghby.

—56

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Cosby, Faulk, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Laird, Lewis, McKee, McMillan, Manley, Martin, Murphy, Owens, Parker, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L), Wilson, and Wright.

—39

AMENDMENT OFFERED

Rep. Payne offered the following amendment #2 to the bill H. 420 as amended:

Amend Substitute to Ways and Means Committee Substitute to H. 420 as follows: Page 1, by striking lines 28-30 in their entirety and inserting the following:

January 1, 1984	$ 3.00
January 1, 1985	$ 5.00
January 1, 1986	$ 8.00
January 1, 1987 and all tax years thereafter	$10.00

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment #2 offered by Rep. Payne to the bill, H. 420 as amended, was tabled.

Yeas 56; Nays 38.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Penry, Reed, Rice, Rogers, Starkey,

Thomas, Trammell, Turner, White (F), Williams, and Zoghby.

—56

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Cosby, Faulk, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Murphy, Owens, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starr, Venable, Waggoner, Warren, White (L), Wilson, and Wright.

—38

MOTION TO POSTPONE LOST

On motion of Rep. Campbell the motion offered by Rep. Harper to postpone the bill, H. 420 as amended, to the thirteenth legislative day was tabled.

Yeas 57; Nays 41.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Penry, Reed, Rice, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, White (F), Williams, and Zoghby.

—57

Nays:

Reps. Adams, Blakeney, Brooks, Butler, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Murphy, Owens, Payne, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (L), Wilson, and Wright.

—41

MOTION TO POSTPONE LOST

On motion of Rep. Campbell the motion offered by Rep. Manley to postpone the bill, H. 420 as amended, to the fourteenth legislative day was tabled.

Yeas 53; Nays 40.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Reed, Rice, Rogers, Smith, Starkey, Thomas, Trammell, Turner, and Zoghby.

—53

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, McKee, McMillan, Manley, Martin, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (F), White (L), Wilson, and Wright.

—40

MOTION TO POSTPONE

Rep. Manley offered a motion to postpone the bill, H. 420 as amended until 3:00 o'clock p.m., Tuesday May 31, 1983.

MOTION TO TABLE ADOPTED

On motion of Rep. Campbell, the motion to table the motion offered by Rep. Manley to the bill, H. 420 as amended, was adopted.

Yeas 50; Nays 45.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson, Reed, Rice, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, and Zoghby.

—50

Nays:

Reps. Adams, Blakeney, Box, Brooks, Butler, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Moore, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Venable, Waggoner, Warren, White (F), White (L), Wilson, and Wright.

—45

MOTION TO POSTPONE

Rep. Manley offered a motion to postpone the bill, H. 420 as amended until 4:00 o'clock p.m., Tuesday May 31, 1983.

MOTION TO TABLE ADOPTED

On motion of Rep. Campbell the motion to table the motion offered by Rep. Manley, to the bill, H. 420 as amended, was adopted.

Yeas 51; Nays 47.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Minus, Mitchell, Nevett, Newman, Nicholson,

Reed, Rice, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Turner, and Zoghby.

—51

Nays:

Reps. Adams, Biddle, Blakeney, Brooks, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hammett, Harper, Hettinger, Howard, Johnson (A.L.), Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Moore, Murphy, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Starr, Tucker, Venable, Waggoner, Warren, White (F), White (L), Wilson, and Wright.

—47

And the bill, H. 420, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 44.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Williams, and Zoghby.

—57

Nays:

Reps. Adams, Blakeney, Brooks, Carothers, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Martin, Murphy, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starr, Stout, Venable, Waggoner, Warren, White (F), White (L), Wilson, and Wright.

—44

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Nevett:

H. R. 220. COMMENDING MR. WILLIE J. DAVIS, PROMINENT ALABAMA EDUCATOR.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 102. EXTENDING REPORTING DATE OF CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.

Also:

H. J. R. 192. SETTING MEETING DAYS OF THE LEGISLATURE, MAY 24 TO MAY 26.

Also:

H. J. R. 205. SETTING MEETING DAYS OF THE LEGISLATURE, MAY 26 TO MAY 31.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bill and House Joint Resolution hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 A.M. on May 26, 1983.

H. J. R. 62

Delivered to the Governor at 1:25 P.M. on May 26, 1983.

H. 225

JOHN W. PEMBERTON,
Clerk.

MOTION OFFERED

Rep. Casey offered a motion to adopt the Special Order Calendar for May 17, 1983.

SUBSTITUTE MOTION OFFERED

Rep. Venable offered a substitute motion that the House adjourn pursuant to the resolution H. R. 206, heretofore adopted, until 12:00 o'clock noon, Tuesday, May 31, 1983.

And the substitute was adopted.

Yeas 47; Nays 42.

Yeas:

Reps. Bennett, Blakeney, Buskey, Campbell, Carothers, Casey, Clark, Cosby, Drinkard, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Howard, Kennedy, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Moore, Murphy, Nevett, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Tucker, Venable, Waggoner, White (F), White (L), and Wright.

—47

Nays:

Mr. Speaker, Albright, Ashley, Blake, Box, Brooks, Browder, Bryant, Butler, Clikas, Coleman, Crow, Davis, Dutton, Escott, Faulk, Grouby, Hall, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (R.G.), Junkins, Langford, Lauderdale, Martin, Mitchell, Newman, Nicholson, Owens, Parker, Poole, Rogers, Smith, Starkey, Starr, Thornton, Trammell, Turner,

Warren, and Wilson.

—42

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, May 31, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by former Representative Bill Adams, Cherokee, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

BILLS ON THIRD READING

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Coburn, the rules were suspended in order to take up out of order the bill, S. 270.

And the bill:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

Was read a third time at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Manley, Minus, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Starkey, Starr, Stout, Thomas, Turner, Venable, Wilson and Wright.

—55

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 221. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 31, 1983, we adjourn to meet again on Thursday, June 2, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 221, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 222. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 31, 1983, we adjourn to meet again on Thursday, June 2, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 222, was adopted.

BILLS ON SECOND READING

Rep. Richardson, Vice-Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 584. To amend Section 44-1-38, Code of Alabama 1975, relating to

the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Rep. Newman, Vice-Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 94. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violations of this act.

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 44. (With Substitute) (With Amendments): Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority; composition and duties; providing for the transfer of revenues from the Mobile County general fund to the Mobile County Indigent Care Board; providing for reduction of county revenues and reimbursements; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing body.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 102. Extending the reporting date of the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee to the Fifteenth Legislative Day.

Also:

H. J. R. 192. Relative to legislative meeting dates; May 24, 1983 through Thursday, May 26, 1983.

Also:

H. J. R. 205. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, MAY 26, 1983, AND TUESDAY, MAY 31, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By. Rep. Minus (With Notice and Proof):

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL H. B. 672. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Campbell:

H. 673. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

Judiciary.

By Reps. Brooks, Dutton, Butler and Murphy:

H. 674. To prohibit certain dispositions of felonious criminal cases which would have the effect of resulting in prosecution for a lesser offense than that alleged in the indictment without the consent of the victim.

Judiciary.

By Reps. Turner, Buskey, Baston, Clikas, Penry, Clark, Kvalheim, Kennedy, White (F), Harper, McMillan, Blakeney and Zoghby:

H. 675. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale and wheeling of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be

made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Commerce and Industrial Development.

By Reps. Zoghby, Kennedy and Turner (With Notice and Proof):

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county from the additional state sales tax levied on alcoholic beverages by Section 28-3-280, Code of Alabama 1975.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 676, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Venable and Grouby (With Notice and Proof):

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 677, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Newman (With Notice and Proof):

H. 678. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted on such property except for the old equipment that is traded in on new equipment; providing for the disposition of revenues received from the sale of said property; prescribing penalties for violations and specifically repealing Act No. 80-519, H. 1052, of the 1980 Regular Session of the Legislature (Acts 1980, p. 799) and all other laws in conflict with this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 678, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Murphy (With Notice and Proof):

H. 679. Relating to Shelby County; to prohibit any utility company, board, corporation or commission (exclusive of communications) which provides service in Shelby County from providing such services to any dwelling

or structure until a certificate of approved sanitation has been issued by the Shelby County Health Officer or his authorized representative.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 679, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Laird (With Notice and Proof):

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 680, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. White (L):

H. 681. To amend §34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

Health.

By Rep. Johnson (AL):

H. 682. To amend §12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Ways and Means.

By Rep. Turner:

H. 683. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties, and authority of the Commission, and to provide for the selection, terms, qualifications, and compensation of the members therefore; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission.

Ways and Means.

By Rep. Buskey:

H. 684. To provide and to set the penalty for violation by insurance companies which are herein prohibited from assessing a fee or charge of any kind as a prerequisite for the purchase of insurance in the State of

Alabama.

State Administration.

BILLS ON THIRD READING RESUMED

H. 45 TEMPORARILY POSTPONED

On motion of Rep. Clark the bill, H. 45, was temporarily postponed.

And the bill:

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Brooks, Bryant, Butler, Campbell, Carter, Casey, Crow, Davis, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Howard, Johnson (Roy), Junkins, Kvalheim, Lauderdale, McKee, McMillan, Manley, Melton, Newman, Nicholson, Owens, Penry, Poole, Rice, Rogers, Scott, Seibels, Thomas, Trammell, Turnham, Venable, Warren, White (F) and Wright.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brooks, Bryant, Butler, Campbell, Carter, Clark, Crow, Freeman, Gaston, Goodwin, Hammett, Howard, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Melton, Moore, Newman, Owens, Penry, Poole, Preuitt, Rice, Scott, Seibels, Smith, Starr, Thomas, Turnham, Venable, Waggoner, Warren, White (F), Wilson and Wright.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brooks, Bryant, Butler, Campbell, Casey, Clark, Coleman, Crow, Davis, Freeman, Gaston, Goodwin, Grimsley, Hammett, Horn, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Melton, Newman, Owens, Penry, Poole, Preuitt, Rice, Rogers, Scott, Seibels, Smith, Starr, Thomas, Trammell, Turnham, Venable, Warren, White (F), Wilson and Wright.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 647. Relating to Tuscaloosa County; authorizing the county commission to levy an additional five mills ad valorem tax on all property located outside the corporate limits of the City of Tuscaloosa, but within Tuscaloosa County in all areas served by the County Board of Education, the proceeds of such tax to be used exclusively for educational purposes by the County Board of Education, and subject to the approval of the affected electors voting in a referendum election held for such purpose, and providing that if the tax is approved it shall become effective immediately and shall be levied and prorated for the remainder of the current fiscal year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Reps. Ashley, Bennett, Blake, Blakeney, Brooks, Browder, Bryant, Casey, Clark, Coleman, Davis, Freeman, Gaston, Goodwin, Hammett, Howard, Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Manley, Melton, Minus, Mitchell, Moore, Newman, Owens, Penry, Poole, Preuitt, Rice, Rogers, Scott, Seibels, Smith, Thomas, Thornton, Trammell, Turnham, Venable, Waggoner, Warren and White (F).

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Was read a third time at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Brooks, Browder, Bryant, Campbell, Casey, Clark, Coleman, Crow, Gaston, Goodwin, Hammett, Kennedy, Kvalheim, Langford, Lauderdale, McKee, Mathis, Melton, Minus, Moore, Newman, Owens, Parker, Penry, Poole, Preuitt, Richardson, Scott, Seibels, Smith, Starr, Trammell, Turnham, Venable, Warren, White (F) and Wilson.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 346 TEMPORARILY POSTPONED

On motion of Rep. Campbell the bill, S. 346 was temporarily postponed.

And the bill:

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

Was read a third time at length and passed.

Yeas 37; Nays 0.

Yeas:

Reps. Ashley, Bennett, Blake, Blakeney, Brooks, Browder, Butler, Casey, Clark, Coburn, Coleman, Crow, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Kvalheim, Lauderdale, McMillan, Mathis, Moore, Newman, Parker, Penry, Poole, Scott, Seibels, Smith, Starr, Thomas, Trammell, Turner, Turnham and Venable.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CONFLICT OF INTEREST

Rep. Drake abstained from voting on the bill, S. 380 due to possible Conflict of Interest.

And the bill:

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Butler, Casey, Clark, Clikas, Coleman, Flowers, Gaston, Grimsley, Grouby, Harper, Johnson (A.L.), Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Mathis, Moore, Newman, Owens, Parker, Penry, Preuitt, Richardson, Sasser, Scott, Seibels, Starr, Thomas, Turner, Turnham, Warren, Wilson and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Butler, Campbell, Casey, Clark, Coleman, Crow, Flowers, Gaston, Grimsley, Harper, Horn, Kennedy, Kvalheim, Langford, Lauderdale, McMillan, Mathis, Moore, Newman, Owens, Parker, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Waggoner, White (F), Wilson and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas Coburn, Coleman, Crow, Davis, Drinkard, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."

Also:

By Senator Proctor:

S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

By Senator Bedsole:

S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 77, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Smith, the rules were suspended and the House con-

curred in and adopted the resolution, S. J. R. 111, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 122, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Kirkland:

S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

Also:

By Senator Foshee:

S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

Also:

By Senator Mitchem:

S. J. R. 79. DECLARING THE WEEK OF MAY 29 - JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

Also:

By Senators Pearson, Figures, Hilliard, Bachus, and Parsons:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 78, S. J. R. 87, S. J. R. 79 and S. J. R. 89, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 103, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 2,600 welfare recipients in becoming productive wage earning members of society in fiscal year 1982, and

WHEREAS, the Work Incentive Program has not been included in the Administration's FY 1984 Budget now before Congress; and

WHEREAS, the Alabama Work Incentive Program returned more than $7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1982; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to continue funding the Work Incentive Program at a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution S. J. R. 1, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Little (With Notice and Proof):

S. 73. Relating to Chambers County; authorizing the establishment of branch banks within the corporate limits of the municipalities of Valley and Lanett in the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 73, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Foshee (With Notice and Proof):

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 354, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Mitchell (With Notice and Proof):

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 360, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to

appropriate Standing Committees as follows:

S. 73. Local Legislation No. 1.

S. 354. Local Legislation No. 1.

S. 360. Local Legislation No. 1.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 223. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning May 31, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Turner:

H. 457 p. 51 Bar pilots

By Mr. Campbell:

H. 395 p. 75 Table wine

By Mr. Carothers:

H. 142 p. 7 Compact bill

By Mr. Holley:

H. 296 p. 64 Fair dismissal procedures

By Mr. Manley:

H. 370 p. 35 Bank bill

By Mr. Johnson (Roy):

H. 73 p. 6 Elderly persons, facilities

By Mr. Holmes:

H. 128 p. 16 Shakespeare Festival

By Mr. Johnson (Roy):

H. 446 p. 59 CPR training

By Mr. Hall:

H. 498 p. 85 State owned motor vehicles

By Mr. Harvey:

H. 54 p. 15 Motor carrier registration

By Mr. Harvey:

H. 55 p. 15 PSC, gas pipeline

By Mr. Ashley:

H. 441 p. 55 Port Authority

By Mr. Holley:

H. 134 p. 51 Prisons

By Mr. Williams:

H. 105 p. 21 Illegal food stamp bill

By Mr. Moore:

H. 495 p. 86 Printing of Acts and Journals

By Mr. Turner:

H. 36 p. 27 Appoint hospital boards

By Mr. Williams:

H. 263 p. 22 Youthful offender proceedings

By Mr. Carothers:

H. 148 p. 71 Contracts less than $10,000

By Mr. Harper:

H. 68 p. 68 Oyster bill

By Mr. Holley:

H. 375 p. 41 General bonding requirements

By Mr. Holley:

H. 376 p. 41 Trip permits

By Mr. Turner:

H. 33 p. 13 Drivers license renewal

By Ms. Kennedy:

H. 133 p. 75 Telephone bill

By Mr. Williams:

H. 360 p. 109 Swine disease control

By Mr. Moore:

H. 20 p. 97 Chiropractic bill

By Mr. Johnson (Roy):

H. 72 p. 119 Nursing bill

By Mr. Turner:

H. 570 p. 98 Utility boards

By Mr. Boles:

H. 342 p. 76 Prosecution services

By Mr. Warren:

H. 561 p. 101 Property inventory

By Mr. Warren:

H. 562 p. 101 Property inventory

By Mr. Smith:

H. 387 p. 142 Pardons and parole

By Mr. Turner:

H. 354 p. 77 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 66 65 years older, fishing license

On motion of Rep. Casey the resolution, 223, was adopted.

BILLS ON THIRD READING RESUMED

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Boles to suspend the rules in order to take up out of order the bill H. 324, was lost, lacking a four-fifths vote.

Yeas 12; Nays 6.

Yeas:

Reps. Bennett, Biddle, Boles, Layton, Lewis, Moore, Murphy, Payne, Trammel, Waggoner, White (L) and Wright.

—12

Nays: Reps. Davis, Escott, Horn, Rogers, Scott and Thornton. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Drinkard, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rice, Richardson,

Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Harper:

H. R. 224. COMMENDING THE REVEREND ROBBIE HOWARD ON THE OCCASION OF HIS 25TH YEAR IN THE MINISTRY.

Also:

By Reps. Harper, Gaston and Kvalheim:

H. R. 225. CONGRATULATING THE CITY OF MOBILE AND THE MOBILE SISTER CITIES FEDERATION ON THE INAUGURATION OF "THE MOBILE INTERNATIONAL FESTIVAL."

SPECIAL ORDER CALENDAR RESUMED

And the bill:

H. 395. (With Substitute): To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENACTED
AN ACT

To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 28-7-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 28-7-16.

"(a) Levy.—There is hereby levied in addition to the license taxes provided for by this chapter and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 35 ~~percent of the cost of~~ 45 cents per liter of table wine sold to the wholesale licensee or board, to be collected from the purchaser by the board or by a licensed retailer.

"(b) Collection.—The tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from

the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

"The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of ~~30 percent of said wholesale cost~~ 38.6 cents per liter of table wine sold to the wholesale licensee or board; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of ~~5~~ 6.4 cents per liter of table wine sold ~~percent of said wholesale cost~~; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

"The tax hereby levied shall be collected by the board on the table wine sold by the board and shall be paid as follows: taxes at the rate of ~~30 percent of said wholesale cost~~ 38.6 cents per liter of table wine sold shall be remitted by the board into the state treasury and taxes at the rate of ~~5 percent of said wholesale cost~~ 6.4 cents per liter of table wine sold shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

"The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores, or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

"(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

"(1) ~~Thirty percent of said wholesale cost~~ 38.6 cents per liter of table wine sold shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be ~~credited as net profits from operation of the board to be distributed as provided by law,~~ as follows:

a. 27 cents to the general fund of the state of Alabama.

b. 3.9 cents to the wet counties in the state for general purposes on the basis of the ratio of the population of each such county to the population of all such counties.

c. 6.4 cents to the incorporated cities and towns in the wet counties in the state on the basis of the ratio of the population of each such city or

town to the total population of all such cities and towns.

d. 1.3 cents to the several cities and towns that have one or more Alabama liquor stores therein upon the basis of the ratio of the population of each such liquor store city or town to the total population of all such liquor store cities and towns. Each and every amount received by any city or town out of this amount shall be for general purposes.

"(2) Five 6.4 cents per liter of table wine sold ~~percent of said wholesale cost~~ shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

"(d) Tax exclusive.—The tax herein levied is exclusive and shall be in lieu of all other and additional taxes of the state, county or municipality, imposed on or measured by the sale or volume of sale of table wine; provided, that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

"(e) Trade between wholesalers exempt.—The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Campbell the substitute reported by the Standing Committee on Ways and Means, was tabled.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Gaston, Goodwin, Grouby, Hall, Harper, Hettinger, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Lewis, McMillan, Manley, Mathis, Melton, Minus, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wilson and Zoghby.

—66

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 395.

To amend H. 395 by deleting the words "forty-five" where they appear on lines 25 and 26 on page 3 and substituting in lieu thereof the following:

"thirty-eight"

and to further amend H. 395 by adding the words and licenses immediately following the word "taxes" where it appears on line 7, page 4 and by adding the words or volume of sale immediately following the word "sale" where it appears on line 8, page 4.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Casey, Coleman, Cosby, Crow, Davis, Drinkard, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—77

And the bill, H. 395, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 2.

Yeas:

Reps. Adams, Ashley, Bennett, Boles, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Lewis, Manley, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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Nays: Reps. Buskey and McMillan. —2

And the bill:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Box, Brakefield,

Brooks, Browder, Bryant, Buskey, Butler, Carothers, Coleman, Crow, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Langford, Lauderdale, Layton, McKee, Mathis, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Warren, White (L), Wilson, Wright and Zoghby.

—67

POINT OF PERSONAL PRIVILEDGE

Rep. Bennett requested that the Journal show that had he been present when the vote was taken on the bill, H. 142, he would have voted Aye.

H. 296. (With Amendments): To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 296 with pending amendments reported by the Standing Committee on Education:

A BILL
TO BE ENTITLED
AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school system, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of employees.

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, educational

and correctional institutions under the control and auspices of the Alabama Department of Youth Services, who are so employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants supervisors and all other persons not otherwise certified by the State Board of Education. Only full-time employees are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require twenty (20) or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are excluded from the Act.

Section 2. Probationary period.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed three years from the date of his or her initial employment, or a lesser period which may be fixed by the employing authority.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

Section 3. Non-probationary status.

Upon the completing by the employee of said probationary period, said employee shall be deemed employed on a non-probationary status and said employee's employment shall thereafter not be terminated except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, insubordination, immorality, justifiable decrease in jobs in the system, or other good and just causes; provided, however, such termination of employment shall not be made for political or personal reasons on the part of any party recommending or voting to approve said termination.

Section 4. Termination of Employment.

Employment of an employee on permanent status must be terminated only in the following manner:

The employing board of education shall give notice in writing to the employee, stating in detail the reasons for the proposed termination, the facts upon which such reasons are based, and giving notice of the employee's rights to a hearing as set out herein. Said action of giving notice of termination shall be made only upon recommendation of the superintendent and upon approval of a majority of the members of the employing board which action shall be reflected in the board minutes.

Section 5. Notice of Termination; Right to hearing.

Notice to the employee shall be served either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. The employing board may suspend said employee with pay until the charges are heard and determined. This section, however, does not mandate pay in cases involving moral turpitude. If such charges are found to be unfounded, pay would be reinstated. Such notice shall also inform the employee that in order to contest said termination, the employee must file with the employing board, within fifteen (15) days after receipt of such notice, notice of an intention to contest the termination

of said contract. If the employee does not file an intention to contest with the employing board within fifteen (15) days after receipt of such notice of intention to terminate said contract, then the employing board may dismiss the employee by a majority vote and such dismissal shall be final.

Section 6. Appellate Process to Contest Termination.

An appeal of the decision of the employing board may be filed by the employee within fifteen (15) days of receipt of the board's decision by mailing a notice to the superintendent of education and/or president of the junior/technical or community college or institution. Upon receipt of the request, the employing board and the employee may (1) mutually agree upon a person to hear the employee's appeal or (2) select a panel of three persons, one selected by the employing board, another selected by the employee and a third agreed upon by the two parties listed herein above. A determination of whether to use either of the procedures listed above shall be made by the parties within seven (7) days of the receipt of the employee's notice to appeal. In the event the parties choose not to use the above mentioned procedures, or there is no agreement on the selection of the hearing officer or officers, the employee shall notify the Secretary of State by mailing a notice for request for the appointment of a hearing officer. The Secretary of State shall upon receipt of request supply the names of five (5) competent hearing officers. The employing board shall then strike the first name, the employee shall strike the second name, the board the third name and the employee the fourth name with the person whose name remains becoming the hearing officer. A current list of ten (10) hearing officers shall be maintained by the Secretary of State. This list shall consist of the names of persons appointed by the Governor within thirty (30) days of the passage of this Act. Such hearing officers shall be confirmed by the Senate and shall serve for five-year terms with two persons initially being appointed for one year, two for two-year terms, two for three-year terms, two for four-year terms, and two for five-year terms. Following their initial appointment, the hearing officers shall serve until such time as their names may be rejected by the Senate. In event of rejection by the Senate, the Governor shall send another name for confirmation to the Senate. Once appointed and confirmed, all hearing officers shall continue serving until their successors are named by the Governor. In making his recommendations, the Governor shall take into account persons whom he believes to be qualified through their experience and training to render fair and equitable decisions and who have the ability to conduct an orderly and fair hearing before the parties involved.

Section 7. Hearing Process.

Upon his/her selection, to hear a case the hearing officer shall within ten (10) days establish a date, place, and time for the hearing to be conducted. The date of such hearing shall in no case be later than sixty (60) days following the decision of the employing board. Upon the completion of a de novo hearing, the hearing officer's decision must be rendered within forty-five (45) days. The parties shall have the right of counsel or representation of their choosing. In making his decision, the hearing officer shall consider whether the action of the board or its administrative staff was arbitrary or unjust or for political or personal reasons on the part of any member of the board or its staff and whether the board's action was warranted based upon the facts of the case and the employment record of the employee. The decision of the hearing officer shall be final and binding upon the parties. Expenses and fees of the hearing officer or officers shall be shared equally by the board and the employee.

Section 8. Transfer.

The employing board shall have authority to transfer employees, however, such transfer shall be based upon good and just cause needs of the school or institution and shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board and shall be without loss of status for the employee. Appeals of a decision to transfer shall be handled in the same manner as for termination and the decision of the arbitrator shall be final and binding on the parties.

Section 9. Discipline.

The employing board of education shall have authority to reprimand, censure, or suspend with or without pay, an employee for just cause. Such action on the part of the employing board or its management shall not be for political or personal reasons on the part of the recommending authority or any member of the employing board. The employee shall have the right to contest the board's action by appealing through the same manner as for termination and the decision of the arbitrator shall be final and binding on the parties.

Section 10. Severability

If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of the Act which is not in and of itself invalid or unconstitutional.

Section 11. Repealer

All laws or parts of laws inconsistent or in conflict with the provisions of the Act are hereby expressly repealed.

Section 12. Effective date

This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams and Zoghby.

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MOTION TO POSTPONE TABLED

On motion of Rep. Holley the motion offered by Rep. Lewis to postpone the bill, H. 296 as amended to the thirtieth legislative day, was tabled.

Yeas 78; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Warren, White (F), White (L) and Williams.

—78

Nays:

Reps. Hammett, Harper, Lewis, McKee, McMillan, Payne, Richardson, Sasser, Scott, Waggoner, Wright and Zoghby.

—12

POINT OF PERSONAL PRIVILEDGE

Rep. Poole was recorded as having voted Aye on the bill, H. 647 and he did not mean to vote Aye.

MOTION TO POSTPONE TABLED

On motion of Rep. Holley the motion offered by Rep. Lewis to postpone the bill, H. 296, as amended until 3:00 o'clock p.m., was tabled.

Yeas 66; Nays 28.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—66

Nays:

Reps. Adams, Blakeney, Box, Brooks, Campbell, Carothers, Cosby, Faulk, Grouby, Harper, Johnson (A.L.), Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Rice, Richardson, Sasser, Scott, Seibels, Turnham, Waggoner, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the

following Senate Bill, your signature thereto is requested:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

H. 296 RESUMED

SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the bill, H. 296 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under the control of the State Board of Education, the Department of Youth Services, and the Alabama Institute for Deaf and Blind, who are not otherwise covered by the State Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of employees:

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind and educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, and who are so employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants. Only full-time employees are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require (30) thirty or more hours in each normal working week of the school term, employing board holidays excepted. Substitute employees are excluded from this Act.

Section 2. Probationary Period.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed thirty-six (36)

months from the date of his or her employment, following the effective date of this Act.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

Section 3. Fair Dismissal Hearings for Non-Probationary Employees:

Upon completion of satisfactory service by the employee for the full duration of the probationary period, said employee shall be deemed employed on a non-probationary status and shall be eligible for a hearing before the employing board prior to the employee's dismissal, except for employees of two year post secondary institutions. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board shall conduct a fair and impartial hearing. The employee may request that the hearing be private or public. Following the hearing, the employing board shall make a decision on the proposed dismissal.

Section 4. Post-Secondary Employees.

Employees of two-year post-secondary institutions who have attained non-probationary status shall be entitled to a hearing before the local administration of the institution at which he or she is employed. The president or his designee shall conduct a fair and impartial hearing, after which a decision shall be made on the proposed dismissal.

Section 5. Finality of Decision.

The decision of the employing board or other employing agent shall be final. The employee may, at his or her option, appeal to the appropriate District Court to obtain a review by the court concerning whether the board's or other agent's action was in compliance with the procedural requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board or other agent. If such notice is not filed within fifteen (15) days, the decision of the employing board or other agent shall be final. The finding and order of the District Court shall be final, not subject to further judicial review through the state court system.

Section 6. Effective Date.

This Act shall become effective June 30, following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holley, the substitute offered by Rep. Sasser to the bill, H. 296 as amended, was tabled.

Yeas 59; Nays 33.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Harvey, Holley,

Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Richardson, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Warren, White (F), White (L) and Williams.

—59

Nays:

Reps. Adams, Biddle, Blakeney, Box, Campbell, Carothers, Clikas, Coleman, Cosby, Gaston, Grouby, Hammett, Harper, Hettinger, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Rice, Sasser, Scott, Seibels, Stout, Turnham, Venable, Waggoner, Wright and Zoghby.

—33

AMENDMENT OFFERED

Rep. Hammett offered the following amendment to the bill, H. 296 as amended:

Amend the substitute to H. 296 by deleting Section 1 and inserting in lieu thereof a new Section 1 as follows:

Section 1. Definition of employees.

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, and all other public educational institutions created by the Legislature, who are so employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants. Only full-time employees are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require thirty (30) or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are excluded from this Act.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Hammett to the bill, H. 296 as amended, was tabled.

Yeas 62; Nays 24.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Gaston, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Moore, Newman, Nicholson, Parker, Poole, Rains, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Warren, White (F), Williams and Wilson.

—62

Nays:

Reps. Adams, Box, Campbell, Flowers, Grouby, Hammett, Harper, Lewis, McMillan, Manley, Minus, Payne, Reed, Rice, Richardson, Sasser, Scott, Seibels, Turnham, Venable, Waggoner, White (L), Wright and Zoghby.

—24

AMENDMENT OFFERED

Rep. Mathis offered the following amendment to the bill, H. 296 as amended.

Amend Substitute to H. 296 as Amended on page 4, Section 6, line 14 after the word "above." by striking ~~A determination of and by striking~~ lines 15 through 37 in its entirety.

Further Amend on page 5, Section 6, lines 4 through 12 by striking in its entirety.

Further Amend on page 5, Section 7, lines 14 and 15 by striking after the word "case" the following: ~~the hearing officer~~ and inserting in lieu thereof the following: the committee

Further Amend on page 5, Section 7, line 17 after the word "than" by striking ~~sixty (60)~~ and inserting in lieu thereof the following: thirty (30)

Further Amend on page 5, Section 7, line 19 after the word "the" by striking ~~hearing officer's~~ and inserting in lieu thereof the following: committee's

Further Amend on page 5, Section 7, line 20 after the word "within" by striking ~~forty-five (45)~~ and inserting in lieu thereof the following: ten (10)

Further Amend on page 5, Section 7, line 22 after the word "the" by striking ~~hearing officer~~ and inserting in lieu thereof the following: committee

Further Amend on page 5, Section 7, line 28 after the word "the" by striking ~~hearing officer~~ and inserting in lieu thereof the following: committee

Further Amend on page 5, Section 7, line 29 after the word "the" by striking ~~hearing officer or officers~~ and inserting in lieu thereof the following: committee

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Mathis to the bill, H. 296 as amended, was tabled.

Yeas 61; Nays 20.

Yeas:

Mr. Speaker, Albright, Ashley, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, McMillan, Martin, Melton, Minus, Moore, Owens, Parker, Penry, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Thomas, Trammell, Turner, Warren, White (F),

White (L), Williams and Wilson.

—61

Nays:

Reps. Adams, Box, Campbell, Coleman, Cosby, Gaston, Harper, Kvalheim, Lewis, McKee, Manley, Mathis, Nicholson, Payne, Sasser, Seibels, Stout, Tucker, Waggoner and Wright.

—20

POINT OF PERSONAL PRIVILEDGE

Rep. Carter would like to be recorded as having voted Aye on the bills, H. 395 and H. 121.

SPECIAL ORDER RESUMED

H. 296 RESUMED

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 296 as amended:

On page 4, Section 6, line 14, strike all language beginning with: "A determination . . . " through the remainder of the section. Add in lieu thereof the following:

A determination of whether to use either of the procedures listed above shall be made by the parties within seven (7) days of the receipt of the employee's notice to appeal. In the event the parties choose not to use the above mentioned procedures, or there is no agreement on the selection of the hearing officer or officers, the employee shall notify the presiding judge of the Circuit Court by mailing a notice for request for the appointment of a hearing officer. The presiding judge shall within five (5) days of receipt of request supply the names of five (5) persons. The employing board shall then strike the first name, the employee shall strike the second name, the board the third name and the employee the fourth name with the person whose name remains becoming the hearing officer.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Venable to the bill, H. 296 as amended, was tabled.

Yeas 56; Nays 35.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Moore, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Starr, Thomas, Trammell, Tucker, Turner, Warren, White (F), White (L), Williams and Wilson.

—56

Nays:

Reps. Adams, Blakeney, Bowling, Box, Campbell, Carothers, Clikas, Cosby, Faulk, Flowers, Gaston, Grouby, Hammett, Harper, Kvalheim, Lewis,

McKee, McMillan, Manley, Mathis, Melton, Minus, Murphy, Penry, Preuitt, Sasser, Scott, Seibels, Smith, Starkey, Turnham, Venable, Waggoner, Wright and Zoghby.

—35

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 296 as amended:

Amend the substitute to H. 296 by deleting Sections 3 through 9 and inserting a new Section 3 and Section 4 as follows:

Section 3. Fair Dismissal Hearings for Non-Probationary Employees.

Upon completion of satisfactory service by the employee for the full duration of the probationary period, said employee shall be deemed employed on a non-probationary status and shall be eligible for a hearing before the employing board prior to the employee's dismissal. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board shall conduct a fair and impartial hearing. The employee may request that the hearing be private or public. Following the hearing, the employing board shall make a decision on the proposed dismissal.

Section 4. Finality of Decision.

The decision of the employing board shall be final. The employee may, at his or her option, appeal to the appropriate District Court to obtain a review by the court concerning whether the board's action was in compliance with the procedural requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board. If such notice is not filed within fifteen (15) days, the decision of the employing board shall be final.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Manley to the bill, H. 296 as amended, was tabled.

Yeas 58; Nays 40.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Nevett, Newman, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L), and Wilson.

—58

Nays:

Reps. Adams, Blakeney, Box, Brooks, Campbell, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Murphy, Nicholson, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott,

Seibels, Turnham, Venable, Waggoner, Williams, Wright and Zoghby.

—40

AMENDMENT OFFERED

Rep. Manley offered the following amendment #2 to the bill, H. 296 as amended:

Amend the substitute to H. 296 by deleting Sections 3 through 9 and inserting a new Section 3 and Section 4 as follows:

Section 3. Fair Dismissal Hearings for Non-Probationary Employees.

Upon completion of satisfactory service by the employee for the full duration of the probationary period, said employee shall be deemed employed on a on-probationary status and shall be eligible for a hearing before the employing board prior to the employee's dismissal. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board shall conduct a fair and impartial hearing. The employee may request that the hearing be private or public. Following the hearing, the employing board shall make a decision on the proposed dismissal.

Section 4. Finality of Decision.

The decision of the employing board shall be final. The employee may, at his or her option, appeal to the appropriate Circuit Court to obtain a review by the court concerning whether the board's action was in compliance with the procedural requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board. If such notice is not filed within fifteen (15) days, the decision of the employing board shall be final.

AMENDMENT TABLED

On motion of Rep. Holley the amendment #2 offered by Rep. Manley to the bill, H. 296 as amended, was tabled.

Yeas 57; Nays 39.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Nevett, Newman, Owens, Parker, Poole, Rains, Reed, Rogers, Starkey, Starr, Stout, Thomas, Trammell, Turner, Warren, White (F), White (L) and Wilson.

—57

Nays:

Reps. Adams, Blakeney, Box, Brooks, Campbell, Carothers, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hammett, Harper, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Nicholson, Payne, Penry, Preuitt, Richardson, Sasser, Scott, Seibels, Smith, Turnham, Venable, Waggoner, Williams, Wright and Zoghby.

—39

AMENDMENT OFFERED

Rep. Manley offered the following amendment #3 to the bill, H. 296 as amended.

Amend Sub. for H. B. 296 on page 4, Section 6, line 35 by (striking) after the word

"terms."

the following:

"Following their initial appointment, the hearing officers shall serve until such time as their names may be rejected by the Senate."

and inserting in lieu thereof, the following:

"The initial appointees of ten (10) hearing officers shall be approved by the Senate prior to being eligible to serve."

AMENDMENT TABLED

On motion of Rep. Holley the amendment #3 offered by Rep. Manley to the bill, H. 296 as amended, was tabled.

Yeas 62; Nays 36.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Thomas, Trammell, Turner, Warren, White (F), White (L) and Wilson.

—62

Nays:

Reps. Adams, Blakeney, Box, Campbell, Carothers, Clikas, Coleman, Cosby, Flowers, Gaston, Grimsley, Grouby, Hammett, Harper, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Preuitt, Rice, Richardson, Scott, Seibels, Stout, Turnham, Venable, Waggoner, Williams, Wright and Zoghby.

—36

AMENDMENT OFFERED

Rep. Manley offered the following amendment #4 to the bill, H. 296 as amended:

Amend to Sub. for to H. B. 296 on page 5, Section 6, line 7 by (striking) after the word

Governor

the following:

All of the sentence after the word Governor on lines 7, 8, 9, 10, 11 and 12.

and inserting in lieu thereof, the following:

All arbitrators nominated by the Governor shall be legal residents of the State of Alabama and shall be a licensed members of the American Arbitration Association.

AMENDMENT TABLED

On motion of Rep. Holley the amendment #4 offered by Rep. Manley to the bill, H. 296 as amended, was tabled.

Yeas 61; Nays 36.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Wilson.

—61

Nays:

Reps. Biddle, Boles, Box, Brooks, Campbell, Carothers, Clark, Clikas, Coleman, Cosby, Gaston, Grouby, Harper, Hettinger, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Melton, Minus, Moore, Murphy, Payne, Penry, Preuitt, Richardson, Sasser, Scott, Seibels, Starkey, Stout, Turnham, Wright and Zoghby.

—36

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 296 as amended:

Amend Sub to H. B. 296, Section 3, Page 3, Line 4 by adding after the word "system", the following: discontinuance of direct service provision by the system.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Hettinger to the bill, H. 296 as amended, was tabled.

Yeas 64; Nays 28.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Nicholson, Owens, Parker, Preuitt, Rains, Rogers, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L), Williams and Wilson.

—64

Nays:

Reps. Adams, Box, Brooks, Campbell, Carothers, Clikas, Coleman, Cosby, Freeman, Gaston, Grouby, Harper, Kvalheim, McKee, McMillan, Manley, Minus, Murphy, Newman, Penry, Poole, Richardson, Scott, Seibels, Turnham, Waggoner, Wright and Zoghby.

—28

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill H. 296 as amended:

Amend H. B. 296 on pages 5 & 6, Section 8, line 30 by (striking) after the word

employee

the following: Sections 8 & 9 and remembering the remaining sections

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Zoghby to the bill, H. 296 as amended, was tabled.

Yeas 71; Nays 25.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Preuitt, Rains, Reed, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Williams.

—71

Nays:

Reps. Adams, Box, Campbell, Carothers, Clikas, Cosby, Grouby, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Richardson, Scott, Seibels, Starr, Turnham, Wilson, Wright and Zoghby.

—25

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment #2 to the bill, H. 296 as amended:

Section 8 Page 6

Line 6: Change "arbitrator" to

"hearing officer".

Section 9, Page 6

Line 17: Change "arbitrator" to

"hearing officer"

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starr, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—95

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the bill, H. 296 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under the control of the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind, who are not otherwise covered by the State Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition of employees:

The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind and educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services and who are so employed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants. Only full-time employees are intended to be covered by this Act. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require (20) twenty or more hours in each normal working week of the school term, employing board holidays excepted. Substitute employees are excluded from this Act.

Section 2. Probationary Period.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed thirty-six (36) months from the date of his or her employment.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

Section 3. Fair Dismissal Hearings for Non-Probationary Employees:

Upon completion of satisfactory service by the employee for the full duration of the probationary period, said employee shall be deemed employed on a non-probationary status and shall be eligible for a hearing before the employee review panel prior to the employee's dismissal, except for employees of two year post secondary institutions. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board and the employee may

(1) mutually agree upon a person to hear the employee's appeal or

(2) select an employee review panel of three persons, one selected by the employing board, another selected by the employee and a third agreed upon by the two parties. If the two cannot agree on a third member within ten (10) days after both are appointed, the state superintendent of education shall be called upon to name the third member. A determination of whether to use either of the procedures listed above shall be made by the parties within seven (7) days of the receipt of the employee's notice to appeal. The employee review panel shall conduct a fair and impartial hearing. Following the hearing, the employee review panel shall make a recommendation to the employing school board concerning proposed dismissal within ten (10) days following the hearing. Following the receipt of the recommendation of the employee review panel, the employing board shall make a decision on the proposed dismissal.

Section 4. Post-Secondary Employees.

Employees of two-year post-secondary institutions who have attained non-probationary status shall be entitled to a hearing before the local administration of the institution at which he or she is employed. The president or his designee shall conduct a fair and impartial hearing, after which a decision shall be made on the proposed dismissal.

Section 5. Finality of Decision.

The decision of the employing board or other employing agent shall be final. The employee may, at his or her option, appeal to the appropriate District Court to obtain a de novo hearing by the court concerning whether the board's or other agent's action was in compliance with the substantive and procedural requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board or other agent. If such notice is not filed within fifteen (15) days, the decision of the employing board or other agent shall be final. The finding and order of the District Court shall be final, not subject to further judicial review through the state court system.

Section 6. Effective Date.

This Act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Holley the substitute offered by Rep. Carothers to the bill H. 296 as amended, was tabled.

Yeas 63; Nays 29.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), Williams and Wilson.

—63

Nays:

Reps. Box, Campbell, Carothers, Coleman, Cosby, Gaston, Grouby, Hall, Hammett, Harper, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Richardson, Sasser, Scott, Seibels, Stout, Turnham, Waggoner, Wright and Zoghby.

—29

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill H. 296 as amended:

Amend the substitute to H. 296 by deleting Section 9 and inserting in lieu thereof a new Section 9 as follows:

Section 9. Discipline.

The employing board of education shall have authority to reprimand, censure, or suspend with or without pay, an employee. Such action on the part of the employing board or its management shall not be for political or personal reasons.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Adams to the bill, H. 296 as amended, was tabled.

Yeas 59; Nays 36.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F) and White (L).

—59

Nays:

Reps. Adams, Bowling, Box, Brooks, Campbell, Carothers, Coleman, Cosby, Freeman, Gaston, Grouby, Hall, Hammett, Harper, Kvalheim, Layton, Lewis, McMillan, Manley, Minus, Murphy, Payne, Penry, Rice, Richardson, Sasser, Scott, Seibels, Starr, Stout, Turnham, Venable, Waggoner, Wilson, Wright and Zoghby.

—36

AMENDMENT OFFERED

Rep. Adams offered the following amendment #2 to the bill, H. 296 as amended:

Amend the substitute to H. 296 by deleting Section 8 and inserting in lieu thereof a new Section 8 as follows:

Section 8. Transfer.

The employing board shall have authority to transfer employees, however, such transfer shall not be for political or personal reasons.

AMENDMENT TABLED

On motion of Rep. Holley the amendment #2 offer by Rep. Adams to the bill, H. 296 as amended, was tabled.

Yeas 64; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Wilson.

—64

Nays:

Reps. Adams, Bowling, Box, Bryant, Campbell, Carothers, Cosby, Freeman, Gaston, Grouby, Harper, Kvalheim, Layton, Lewis, McMillan, Manley, Minus, Murphy, Payne, Penry, Rice, Richardson, Sasser, Scott, Seibels, Starr, Turnham, Waggoner, Wright and Zoghby.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT WEEK, JUNE 5-11, 1983.

Also:

H. J. R. 204. THANKING AUBURN UNIVERSITY.

Also:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

Also:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

Also:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

H. 296 RESUMED

AMENDMENT OFFERED

Rep. Adams offered the following amendment #3 to the bill, H. 296 as amended:

Amend H. 296 by deleting in their entirety Sections 4, 5, 6, 7, and 8, by substituting in lieu thereof the following, and by renumbering all subsequent sections:

Section 4. Termination of Employment.

Employment of an employee on permanent status must be terminated in the following manner:

The employing board's chief executive officer shall give notice in writing to the employee, stating the reasons for the proposed termination, the facts upon which such reasons are based, and giving notice of the employee's rights to a hearing as set forth herein.

Section 6. Review of Proposed Termination.

If the employee does file notice of intent to contest the proposed termination, a three-person review panel shall be appointed to hear the charges and evidence brought by the administrative and supervisory staff of the employing board and other sources, as appropriate to the circumstances, and to hear the employee's response to that evidence and those charges. The hear-

ing shall be fair and impartial. Members of the review panel shall be selected as follows:

one member shall be selected by the employing board; one member shall be selected by the employee; one member shall be selected by these two. If the

two cannot agree on a third member within ten (10) days after both are appointed, the state superintendent of education shall be called upon to name the third member.

After having heard the charges and supporting evidence, and the employee's response to them, the panel shall deliver to the employee and employing board a summary of its findings and recommendations for action. The employing board shall review the summary and recommendations and by a majority vote of its members may take action to accept or reject the recommendation.

Section 7. Appellate Process.

The decision of the employing board shall be final. The employee may, at his or her option, appeal to the appropriate District Court to obtain a review by the court concerning whether the board's action was in compliance with the requirements of this act. Such appeal must be filed with the court within fifteen (15) days, or the decision of the employing board shall be final. The finding and order of the District Court shall be final, not subject to further judicial review through the state court system.

Further amend by inserting in Section 5, page 3 line 26, following the word "with," the following: or without.

AMENDMENT TABLED

On motion of Rep. Holley the amendment #3 offered by Rep. Adams to the bill, H. 296 as amended, was tabled.

Yeas 67; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L), Williams and Wilson.

—67

Nays:

Reps. Adams, Bowling, Box, Campbell, Carothers, Clikas, Cosby, Gaston, Grouby, Hall, Hammett, Harper, Kvalheim, Lewis, McMillan, Manley, Minus, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Turnham, Venable, Waggoner, Wright and Zoghby.

—30

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 296 as

amended:

Amend the Substitute to HB 296 on page 5, Section 7, line 30 by striking the period and adding the following after the word "employee" not to exceed $500.00.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Penry to the bill, H. 296 as amended, was tabled.

Yeas 68; Nays 32.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Williams.

—68

Nays:

Reps. Adams, Blakeney, Bowling, Box, Campbell, Carothers, Clikas, Coleman, Gaston, Grouby, Harper, Johnson (R.G.), Kvalheim, Lewis, McMillan, Manley, Minus, Murphy, Payne, Penry, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Turnham, Venable, Waggoner, Wilson, Wright and Zoghby.

—32

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 296 as amended:

Amend Substitute to House Bill 296, page 5, beginning on line 27, after the period by striking the remainder of line 27 and by striking lines 28 through 30 in their entirety and substituting in lieu thereof the following:

Expenses and fees of the hearing officer or officers shall be shared equally by the board and the employee. The decision of the hearing officer shall not be final and binding upon the parties. The parties shall have the right to appeal to the District Court of the county where the complaint originated.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Flowers to the bill, H. 296 as amended, was tabled.

Yeas 59; Nays 30.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Ford, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis,

Melton, Moore, Nevett, Newman, Owens, Parker, Rains, Reed, Rogers, Starkey, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L) and Williams.

—59

Nays:

Reps. Adams, Bowling, Box, Campbell, Carothers, Clikas, Cosby, Flowers, Gaston, Grouby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Murphy, Nicholson, Payne, Penry, Poole, Preuitt, Scott, Turnham, Venable, Waggoner, Wright and Zoghby.

—30

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 296 as amended:

Amend H. B. Sub. 296 on page 5, Section 7, line 27 by striking or adding) after the word(s)

employee;

the following: the remainder of section 7.

and inserting in lieu thereof, the following: Either party may appeal the decision of the hearing officer to the Circuit Court of the judicial circuit in which the employing board is located by filing notice thereof within 14 days from the date the hearing officer renders his decision. If neither party files an appeal within 14 days then the decision of the hearing officer shall be final and binding upon the parties. Expenses and fees of the hearing officer or officers shall be shared equally by the board and the employee.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Box to the bill, H. 296 as amended, was tabled.

Yeas 59; Nays 31.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Clark, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Harvey, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Owens, Parker, Reed, Rogers, Smith, Starkey, Thomas, Trammell, Tucker, Turner, Warren, White (F), White (L) and Williams.

—59

Nays:

Reps. Adams, Box, Campbell, Clikas, Cosby, Gaston, Grouby, Hammett, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Nicholson, Payne, Penry, Poole, Rains, Richardson, Sasser, Scott, Seibels, Starr, Turnham, Venable, Waggoner, Wilson, Wright and Zoghby.

—31

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 296 as amended:

Amend substitute to H. B. 296 as follows: on page 5 on line 20 after the word within, strike the words "forty-five (45)" and add the word "thirty" (30).

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Owens to the bill, H. 296 as amended, was tabled.

Yeas 55; Nays 42.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Crow, Davis, Drinkard, Dutton, Escott, Ford, Freeman, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Parker, Rains, Reed, Rogers, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), White (L), Williams and Wilson.

—55

Nays:

Reps. Adams, Box, Campbell, Carothers, Clikas, Coleman, Cosby, Faulk, Flowers, Grouby, Hall, Hammett, Harper, Johnson (R.G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Minus, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Turnham, Venable, Waggoner, Wright and Zoghby.

—42

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 296 as amended:

Amend Substitute to House Bill 296, page 3, line 39 after the period by adding the following:

All hearings under this act involving more than one employee may be joined, combined and heard together when the issues made the basis of the hearings are the same or so similar as to facilitate a just disposal of the different hearings.

AMENDMENT TABLED

On motion of Rep. Holley the amendment offered by Rep. Brooks to the bill, H. 296 as amended, was tabled.

Yeas 70; Nays 19.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers,

Ford, Freeman, Goodwin, Grimsley, Hammett, Harvey, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Smith, Starkey, Starr, Stout, Thomas, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L), Williams and Wilson.

—70

Nays:

Reps. Adams, Box, Browder, Butler, Campbell, Cosby, Gaston, Hall, Harper, Hettinger, Kvalheim, McKee, Manley, Minus, Scott, Seibels, Turnham, Wright and Zoghby.

—19

And the bill, H. 296, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 23.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, White (F), White (L), Williams and Zoghby.

—79

Nays:

Reps. Adams, Box, Campbell, Clikas, Cosby, Flowers, Gaston, Harper, Kvalheim, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Murphy, Rice, Sasser, Scott, Seibels, Turnham, Waggoner and Wright.

—23

And the bill:

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Sasser, Scott, Seibels, Smith, Starkey,

Starr, Stout, Trammell, Turner, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—78

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. R. 226. RELATING TO ENHANCEMENT REVENUE MEASURES.

WHEREAS, the Alabama House of Representatives has passed an increase in the franchise tax on all domestic corporations, the speed-up in collections of the corporate income tax, and an increase in unemployment compensation paid by each corporation; and

WHEREAS, the economy of the state is in poor shape with a high rate of unemployment; and

WHEREAS, both the general public and the small businessman have just enough money to feed and clothe their families without having to reach in their pockets and come up with more money for state government; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the State of Alabama will send one large jar of vaseline to every domestic corporation in the State of Alabama that can be applied to enhance the manner in which these taxes have been forced on the corporate body.

BE IT FURTHER RESOLVED, That the cost of each jar of vaseline will be deducted from the increase in franchise tax forced on each domestic corporation.

BE IT FURTHER RESOLVED, That this be known as the "Vaseline Enhancement Resolution"

MOTION TO SUSPEND RULES AND ADOPT

Rep. Payne offered the motion to suspend the rules and adopt the resolution, H. R. 226.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion by Rep. Payne to suspend the rules in order to take up for immediate consideration the resolution, H. R. 226 and the motion was lost.

The resolution, H. R. 226, was read and referred to the Standing Committee on Rules.

POINT OF PERSONAL PRIVILEDGE

Rep. Wright inadvertently voted Nay on the bill, H. 226 and meant to vote Aye.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT WEEK, JUNE 5-11, 1983.

Also:

H. J. R. 204. THANKING AUBURN UNIVERSITY.

Also:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

Also:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

Also:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 227. COMMENDING MR. JOHN HIGH FOR OUTSTANDING ATHLETIC ACCOMPLISHMENT.

SPECIAL ORDER RESUMED

MOTION TO POSTPONE LOST

On motion of Rep. Manley the motion offered by Rep. Stout to postpone the bill, H. 370 to the fourteenth legislative day, was tabled.

Yeas 57; Nays 33.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Boles, Box, Brooks, Bryant, Campbell, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Ford, Gaston, Goodwin, Grouby, Harper, Harvey, Hettinger, Horn, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Melton, Mitchell, Moore, Murphy, Nicholson, Owens, Parker, Penry, Poole, Reed, Richardson, Scott, Seibels, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Waggoner, Wilson, Wright and Zoghby.

—57

Nays:

Reps. Albright, Blake, Bowling, Brakefield, Casey, Coburn, Crow, Escott, Faulk, Flowers, Grimsley, Hammett, Holley, Howard, Johnson (R.G.), Laird, Lewis, Mathis, Minus, Nevett, Newman, Payne, Preuitt, Rains, Rice, Rogers, Stout, Thomas, Venable, Warren, White (F), Wilson (L) and Williams.

—33

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is

requested:

S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."

Also:

S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

Also:

S. J. R. 79. DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

Also:

S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

Also:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

Also:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.

Also:

S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.

Also:

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Also:

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 370 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Manley the motion offered by Rep. Buskey to temporarily postpone the bill, H. 370, was tabled.

Yeas 53; Nays 36.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Box, Brooks, Campbell, Clark, Clikas, Coleman, Cosby, Drinkard, Dutton, Faulk, Ford, Gaston, Grouby, Hammett, Harper, Harvey, Hettinger, Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Murphy, Newman, Nicholson, Owens, Parker, Penry, Reed, Richardson, Scott, Seibels, Starkey, Starr, Tucker, Turner, Venable, Waggoner, Wilson, Wright and Zoghby.

—53

Nays:

Reps. Blake, Boles, Bowling, Brakefield, Bryant, Buskey, Carothers, Casey, Coburn, Escott, Flowers, Goodwin, Grimsley, Holley, Howard, Johnson (Roy), Laird, Langford, Mathis, Melton, Mitchell, Moore, Nevett, Payne, Poole, Preuitt, Rains, Rice, Stout, Thomas, Thornton, Turnham, Warren, White (F), White (L) and Williams.

—36

CONFLICT OF INTEREST

Rep. Drake abstains from voting on the bill, H. 370 due to a possible Conflict of Interest.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 370:

Reps: Albright, Ashley, Blakeney, Box, Brooks, Bryant, Butler, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Gaston, Grouby, Hettinger, Horn, Lauderdale, Layton, McKee, McMillan, Murphy, Newman, Rice, Richardson, Rogers, Scott, Seibels, Starr, Thomas, Trammell, Wright and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD

SPRADLEY.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

H. 370 RESUMED

H. 370 TEMPORARILY POSTPONED

On motion of Rep. Manley the bill, H. 370 was temporarily postponed.

And the bill:

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domiciliary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 73:

A BILL
TO BE ENTITLED
AN ACT

To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in S11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities and is owned or operated in conjunction with any nursing home.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection 11-58-2(a) of the Code of Alabama 1975 is hereby amended to read as follows:

The purpose of this chapter is to provide for boards as public agencies and instrumentalities of the state of Alabama to promote the acquisition of health facilities in order to promote the public health of the people of Alabama and also to promote the acquisition of certain other facilities for the housing and care of elderly persons.

Section 2. The definition of "medical clinic" contained in S11-58-1 of the Code of Alabama is amended to read as follows:

Medical Clinic. Any one or more of buildings or facilities which serve to promote the public health, either by providing places for the diagnosis,

treatment or cure of sick or injured persons or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, sanitoriums, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and hotels and motels intended primarily for use by patients and relatives and attendants of patients or patrons of any medical clinic, as well as domiciliary facilities so long as any such domiciliary facility is required to be approved or licensed by any federal, state or local government agency having jurisdiction in the planning or operation of health care facilities and is owned or operated in conjunction with any nursing home. Such domiciliary facilities shall not, however, be exempt from ad valorem taxation.

For purposes of this act, domiciliary facilities shall be defined as follows:

"Domiciliary Care Facility" means homes for the aged, intermediate institutions, and related institutions, whose primary purpose is to furnish room, board, laundry, personal care, and other nonmedical services, regardless of what it may be named or called, for not less than twenty-four hours in any week to three or more individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or disabilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally the same type of limited medical attention as an individual would receive if he were living in his own home.

Section 3. The provisions of this act are severable. If any provision of this act is declared invalid or unconstitutional, such declaration shall not affect any other provision hereof.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brooks, Browder, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—72

And the bill:

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards

to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in S11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities and is owned or operated in conjunction with any nursing home.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Casey, Clark, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—89

CO-SPONSOR ADDED

Rep. Kvalheim was added as a co-sponsor to the bill H. 73.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excel-

lency, the Governor, proposing an amendment to the Bill:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

said Governor's Message being in words and figures as follows: to-wit:

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith a Message from the Governor returning Senate Bill Number 60 without the Governor's signature and approval and with the following suggested Executive Amendment.

Respectfully submitted,

KENNETH D. WALLIS
Legal Advisor.

Done this 30th day of May, 1983.

To The Alabama Senate
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill Number 60, without my signature and approval and with the following suggested Executive Amendment:

On page 1 at line 19, delete the number "1178" and substitute instead the number "1177".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

GEORGE C. WALLACE
Governor.

Done this 30th day of May, 1983.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 60, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 60, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 60, together with the Executive amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 60, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Harper, Harvey, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Turner, Turnham, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—75

Which was a majority of the whole number elected to the House.

And the bill as amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Butler, Campbell, Casey, Clark, Coburn, Coleman, Cosby, Crow, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Hall, Harper, Harvey, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—74

Which was a majority of the whole number elected to the House.

SPECIAL ORDER RESUMED

And the bill:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any

of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Was taken up.

MOTION TO POSTPONE LOST

On motion of Rep. Holmes the motion offered by Rep. Lewis to temporarily postpone the bill, H. 128, was tabled.

Yeas 59; Nays 13.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Brakefield, Browder, Bryant, Buskey, Campbell, Casey, Clark, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Holley, Horn, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, McKee, McMillan, Martin, Melton, Minus, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Richardson, Rogers, Scott, Smith, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Warren, White (F), Wilson and Zoghby.

—59

Nays:

Reps. Blake, Brooks, Butler, Flowers, Freeman, Hall, Hettinger, Kvalheim,

Lewis, Manley, Payne, Preuitt and Wright.

—13

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 128:

Delete Section #13 and renumber all subsequent sections.

AMENDMENT TABLED

On motion of Rep. Holmes the amendment offered by Rep. Manley to the bill, H. 128, was tabled.

Yeas 55; Nays 26.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Bowling, Brakefield, Bryant, Campbell, Casey, Clark, Coburn, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Grimsley, Holley, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, Martin, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Poole, Rains, Reed, Rice, Rogers, Scott, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), Wilson and Zoghby.

—55

Nays:

Reps. Adams, Blake, Box, Brooks, Butler, Carothers, Flowers, Freeman, Hall, Hammett, Harper, Hettinger, Johnson (R.G.), Laird, Lewis, McMillan, Manley, Owens, Payne, Penry, Preuitt, Starkey, Turnham, White (L), Williams and Wright.

—26

And the bill, H. 128 was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 5.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—92

Nays: Reps. Blake, Hall, Hettinger, Johnson (R.G.) and Manley. —5

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 128:

Reps. Albright, Bennett, Biddle, Brooks, Bryant, Butler, Clark, Clikas, Coleman, Crow, Davis, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Horn, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Melton, Moore, Nevett, Newman, Nicholson, Penry, Rains, Reed, Rice, Rogers, Scott, Seibels, Starr, Thomas, Tucker, Warren, White (F), Wilson and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on May 31, 1983.

H. J. R. 102

H. J. R. 192

H. J. R. 205

Delivered to the Governor at 4:50 P.M. on May 31, 1983.

H. J. R. 198

H. J. R. 201

H. J. R. 204

H. J. R. 208

H. J. R. 211

H. J. R. 212

H. J. R. 213

H. J. R. 214

Delivered to the Governor at 5:30 P.M. on May 31, 1983.

H. J. R. 196

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Freeman and pursuant to the resolution, H. R. 222 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 2, 1983.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 2, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Ashbury Howard, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative

day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 228. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 2, 1983, we adjourn to meet again on Tuesday, June 7, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 228, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 229. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, June 2, 1983, we adjourn to meet again on Tuesday, June 7, 1983, at 2:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 229, was adopted.

BILLS ON SECOND READING

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 633. (With Amendment): To prescribe procedures for a state income tax check-off system for support of political parties.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 515. (With Amendment): Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 276. To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the

first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

H. 458. To repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975, relating to youthful offenders.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office; and to allow reappointment for a certain period.

H. 512. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its opinion, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 671. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and

provide for the security therefor.

Rep. Adams, Chairman of the Standing Committee on Commerce and Industrial Development, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 675. (With Amendments): To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale and wheeling of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 328. (With Substitute): Relating to Shelby County; to provide further for the term of office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 678. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted on such property except for the old equipment that is traded in on new equipment; providing for the disposition of revenues received from the sale of said property; prescribing penalties for violations and specifically repealing Act No. 80-519, H. 1052, of the 1980 Regular Session of the Legislature (Acts 1980, p. 799) and all other laws in conflict with this act.

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain

other territory contiguous thereto, in Covington County, Alabama.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 613. (With Amendment): To provide that any county shall be exempt from the provisions of Section 34-6-8, Code of Alabama 1975, prohibiting the keeping or operating of a pool or billiard table by the public outside of an incorporated city or town having a police force, by enactment of a local law therefor.

H. 652. (With Amendment): To prescribe the conditions under which an unconvicted prisoner charged with a misdemeanor while awaiting trial and confined to any county jail, may perform voluntary work upon certain authorized public works; to require approval by the county governing body; and to prescribe that certain payments must be made to such person if the person is not convicted and that certain records shall be maintained.

H. 658 RE-REFERRED

At the request of Rep. Martin, the Speaker re-referred the bill, H. 658, from the Standing Committee on Local Government to the Standing Committee on Constitution and Elections.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committee, as follows:

By Reps. Poole, Mitchell, Richardson, Browder, Freeman, Nicholson, Brakefield, Butler, Dutton and Howard:

H. 685. To amend Section 28-2-1 of the Code of Alabama 1975, which relates to elections to determine whether counties shall be "wet" or "dry" as to the legal sale of alcoholic beverages so as to change the period of time that must elapse between such elections from two to five years.

State Administration.

By Rep. Waggoner:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Local government.

By Rep. Wilson:

H. 687. To exempt the United Cerebral Palsy of Alabama, Inc., Montgomery Area Service Committee from payment of all state, municipal, and county sales, use and ad valorem taxes.

Ways and Means.

By Rep. Flowers (With Notice and Proof):

H. 688. Relating to Pike County; prescribing and further providing for

the meeting dates of the Pike County Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 688, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Dutton (With Notice and Proof):

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 689, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Dutton:

H. 690. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area and then divide the expanded area along State Highway 33 so as to establish two state wildlife management areas lying in the counties of Lawrence and Winston.

Agriculture and Forestry.

By Reps. Dutton, Ashley, Lauderdale, Blake and Hall:

H. 691. To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

State Administration.

By Rep. Blakeney (With Notice and Proof):

H. 692. To authorize the establishment of branch banks in Clarke County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 692, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Zoghby:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide fur-

ther for the renovation and restoration of buildings in the main governmental complex.

State Administration.

By Rep. Laird (With Notice and Proof):

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 694, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk

By Reps. Browder, Laird, Flowers and Williams:

H. 695. To provide that unless fully paid, each convicted felon ordered by a court to pay restitution acknowledge, execute and file a written statement of assets and income; to provide that a form for such purposes shall be devised, adopted, prescribed and distributed by the Administrative Office of Courts; to provide that such statement be filed with the Clerk of the Court wherein such restitution order was issued and annually thereafter unless restitution is fully paid; to provide courts with contempt powers to compel filing and disclosure; to create criminal offenses and penalties for the willful, intentional failure to file or disclose assets or income with the intent to evade or avoid disclosure in such statement and for the conveyance, assignment or other transfer of assets of income to evade or avoid filing or disclosure; to provide that the Director of Department of Corrections and the Board of Pardons and Paroles may promulgate rules and regulations to ensure compliance by affected convicts; to provide courts with the power to void or set aside any such conveyance, assignment or transfer; to provide for the effective date of this Act to be ninety (90) days from the date of its passage and approval of the Governor or otherwise becoming law.

Judiciary.

By Rep. Albright:

H. 696. To amend the title of the Alabama Workmen's Compensation Law, Code of Alabama 1975 § 25-5-1 *et seq.*, to change it to the Alabama Workers' Compensation Law.

Business and Labor.

By Rep. Kennedy:

H. 697. To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turner, Clikas, Harper and Seibels:

H. J. R. 230. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

WHEREAS, during the course of the Second World War, if the ingredients of bravery and intelligence combined with a skillful execution of duty, there emerged squadrons of singular and truly compelling distinction; and

WHEREAS, it is the sense of this legislative body to join with that of the sovereign State of California in order to commemorate an air-borne unit of such magnanimous bearing and conduct, those valiant squadrons of the U.S. Army Air Corps., known as "the night-fighters" of World War II; and

WHEREAS, on April twenty-sixth, nineteen hundred eighty-two, upon the occasion of the Fortieth Anniversary of "the night-fighter" squadrons, the Legislature of California, through Assembly Joint Resolution No. 104, did collectively petition the United States Postal Service to issue a suitable commemorative stamp; and

WHEREAS, this legislative body is, in turn, justly proud of its own long and unyielding commitment to the veterans and veteran associations of this great State; and

WHEREAS, the aircraft most representative of "the night-fighter" squadrons of World War II was the P-61 "Black Widow," developed solely by the Northrup Aircraft Corporation of Hawthorne, California; and

WHEREAS, this legislative body is positively and greatly moved to join in sequential petition with that of the State of California and most emphatically urge that the United States Postal Service issue a commemorative Stamp, one bearing a depiction of the P-61 "Black Widow"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama pauses in its deliberations and memorializes the Congress of the United States to initiate legislative action enabling the Postal Service of the United States to issue a commemorative stamp with suitable depiction of the P-61 "Black Widow."

BE IT FURTHER RESOLVED, That a copy of this resolution, suitable engrossed, be transmitted to the Speaker of the House of Representatives and to each Senator from the State of Alabama.

On motion of Rep. Turner the rules were suspended and the resolution, H. J. R. 230, was adopted.

Also:

By Rep. Gaston:

H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

WHEREAS, David Rayfield, fifth grade student of John Will School, Mobile, Alabama, and son of Lewis and Pat Rayfield, is recipient of the coveted D.A.R. History Award for outstanding academic achievement and for specific history projects, including the planning and preparation of a

Thanksgiving feast; creating 1620 period clothing; and depicting our nation's heritage through the creation of many objects of art during the year; and

WHEREAS, David Rayfield sets an outstanding example for his peers and is active in many religious, civic, educational and athletic youth activities, including: membership in the Spring Hill Baptist Church, and their children's choirs and Royal Ambassadors organization, and he completed the Alabama State Baptist Bible Drill; class representative to principal's advisory board, school safety patrolman; member of the Boy Scouts of America; and was designated an all-star in the minor baseball municipal league in 1982, and is a 1983 member of Dixie Youth baseball municipal league; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend this energetic and conscientious young man, David Rayfield, who has exhibited such outstanding leadership, scholastic and athletic achievements on the prestigious D.A.R. History Award.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to David Rayfield as a token of our admiration of his outstanding achievements and our wishes to him for much success in his future wholesome endeavors.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 231, was adopted.

Also:

By Reps. Casey and Drake:

H. J. R. 232. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

SECTION I. The Legislature on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

SECTION II. That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J. R. 232, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Johnson (Roy), leave of absence was granted for Rep. Holley.

SPECIAL ORDER CALENDAR

The House proceeded to the consideration of the Special Order.

And the bill:

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Bryant, Butler, Casey, Coburn, Coleman, Cosby, Crow, Gaston, Grimsley, Hall, Harper, Hettinger, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Lauderdale, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Owens, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Scott, Starr, Thomas, Turner, Venable, White (F), White (L), Williams, Wilson and Zoghby.

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And the bill:

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Brakefield, Bryant, Butler, Casey, Clikas, Coburn, Cosby, Crow, Gaston, Grimsley, Hall, Harper, Hettinger, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Layton, Lewis, McKee, McMillan, Mathis, Minus,

Mitchell, Moore, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Scott, Starr, Thomas, Turner, Venable, White (L), Williams, Wilson and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 44. (With Substitute) (With Amendments): Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; providing for the transfer of revenues from the Mobile County general fund to the Mobile County Indigent Care Board; providing for reduction of county revenues and reimbursements; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing body.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County Indigent Care Board of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article I, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

Be It Enacted by the Legislative of Alabama:

Section 1. For the purposes of this act, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) MEDICALLY INDIGENT PERSON. Any person who is a resident of Mobile County and who is acutely ill or injured and suffering and can be helped markedly and suffering relieved by treatment in a hospital, but who is unable to pay the cost, or is able to pay only part of the cost of such hospitalization from his own resources or from the resources of those upon whom he is legally dependent.

(2) COUNTY COMMISSION. The County Commission of Mobile County, as it is duly constituted at the time of the enactment of this Act, and any subsequent duly constituted governing body of Mobile County.

Section 2. At the determination of the County Commission, there may be hereby established the MOBILE COUNTY INDIGENT CARE BOARD, hereinafter referred to as "the board", whose composition and duties shall be as follows:

(a) The County Commission may appoint a Mobile County Indigent Care Board which shall consist of three members who are duly qualified electors of Mobile County, but no member of such Board shall be engaged in the practice of medicine. Of the members of the Board first appointed under the provisions of this section, one shall be appointed for a term of one year, one shall be appointed for a term of three years, and one shall be appointed for a term of five years. Thereafter, their successors shall be appointed for terms of five years and may be appointed to succeed themselves as members of the Board. The County Commission shall appoint all members to the Board. In the event the County Commission does not appoint the subject board, the duties and responsibilities of the Board herein shall be carried out by the County Commission. Members of the Board shall serve without compensation.

(b) The Board shall meet monthly at a public place within Mobile County to certify accounts presented to the Board by providers of medical care who are providing medical care to medically indigent citizens of Mobile County and to make recommendations for payments from the Board's account or accounts to such providers of medical care by the County Commission. The Board shall be empowered to employ appropriate personnel, for the purpose of maintaining the Board's records and account or accounts or the County Commission may provide such personnel for the purpose of maintaining the Board's records and account or accounts. The Board shall recommend to the County Commission at each regular meeting of the County Commission reimbursement to be paid to providers of medical care to the medically indigent of Mobile County at an amount equal to the reasonable cost of said services rendered by the provider. It shall be the responsibility of the providers of medical care to verify and furnish appropriate materials for the Board to certify the accounts presented. The reasonable cost of said services is to be determined by applying the ratio of total hospital operating costs to total patient charges, in the aggregate, from the providers' most recently audited financial statement, to the usual and customary charges billed to each medically indigent patient. Total hospital operating cost will be determined in conformity with generally accepted accounting principles applied on a consistent basis. PROVIDED, however, notwithstanding any part herein to the contrary such reimbursements shall be made to providers of medical care only to the extent that gross billings for such unreimbursed care are equal to or exceed seven percent of gross billings of the provider of medical care in that provider's current fiscal year. Unreimbursed care shall not include amounts for contractual adjustments, discounts or amounts required to be provided under Hill-Burton or other funds supporting indigent care from any other sources. If, at the conclusion of the fiscal year of the provider of medical care, as certified to by its independent public accountant or firm, establishes that the gross billings for unreimbursed care for the subject fiscal year were less than seven percent, then the provider of medical care shall reimburse the Board such amount as has been paid to the provider of medical care under this act. Reimbursements by the Board shall not include any payment for physician services. The Board shall require a copy of a certified audit without qualification of

any provider applying for reimbursement by the Board and the cost of such audit shall be the burden of said provider. During the first fiscal year in which this act becomes effective, the reasonable costs of services to the medically indigent, which services are rendered during that fiscal year, shall be eligible for reimbursement to the provider pursuant to this act.

Section 3. It is the intention of the Legislature by the passage of this act to be in accordance with Article IV, Section 88, of the Constitution of Alabama of 1901.

Section 4. The County Commission shall establish an account or accounts within the general fund of the County for payment of such amounts recommended by the Mobile County Indigent Care Board, as set forth herein. The County Commission will place into such account or accounts an amount equal to the sum of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, not to include any and all net revenues held in escrow, as a result of litigation, for Mobile County which have been collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session and Act No. 80-708, H. 909, 1980 Regular Session. The remainder of all revenues paid to Mobile County pursuant to any other severance tax or privilege tax on oil and gas, under any general or local law whatsoever, shall not be deemed a part of or included in the provisions of this act. Said revenues shall be used by the Mobile County Indigent Care Board to provide for the costs of medical care and treatment of medically indigent citizens of Mobile County, as set forth herein. PROVIDED, however, that if the subject revenues exceed the need for funds to reimburse for medical care for the medically indigent of Mobile County, as of the end of the fiscal year of the County Commission, then such funds will revert to the General Fund of Mobile County.

Section 5. The County Commission also shall obligate such additional revenues from the General Fund of Mobile County in the amount of any oil and gas severance tax revenues being held in escrow designated for Mobile County and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438), and in the amount of any funds transferred from the License Commissioner of Mobile County to the General Fund of Mobile County which relates to beer taxes; such revenues to be used to the extent the Board may require same to perform properly its duties as provided in Section 2 of this act after such funds authorized in Section 4 have been appropriated and paid out by the Board. PROVIDED, however, in the event that no oil and gas severance tax revenues held in escrow and collected pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687) and Act No. 80-708, H. 909, 1980 Regular Session (Acts 1980, p. 1438) are distributed to the General Fund of Mobile County, the County Commission shall obligate an additional amount of $750,000.00 per annum for the 1982-83 and 1983-84 fiscal years of the County Commission to the extent the Board may require same to perform properly its duties as provided in Section 2 of this act after such funds authorized in Section 4 have been appropriated and paid out by the Board.

Section 6. The Mobile County Indigent Care Board shall be authorized and empowered to bring and prosecute any suits in its name, as agent for the County of Mobile, against any person whose cost of hospitalization, in whole or in part, has been paid by the Board to the provider of medical care or the hospital, within the statutory period fixed by law.

Section 7. The provisions of Section 4 are cumulative and shall apply to all of said additional oil and gas severance tax revenues henceforth to be distributed.

Section 8. Only laws or parts of laws which conflict with this act are hereby repealed.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor and upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Hettinger, Horn, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, Martin, Mathis, Moore, Newman, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Scott, Starr, Thomas, Turner, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—54

AMENDMENT OFFERED

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 44 as amended, said amendment being as follows:

Amend Substitute to House Bill 44, page 2, at the beginning of line 22, by striking:

~~engaged in the practice of medicine.~~

and inserting in lieu thereof: employed by any hospital.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, Mathis, Moore, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Scott, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—55

AMENDMENT OFFERED

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 44 as amended, said amendment being as follows:

Amend Substitute to House Bill 44, page 3, by striking lines 29 through

34 in their entirety and on line 35, by striking ~~cal-year.~~ and inserting in lieu thereof the following: PROVIDED, however, notwithstanding any part herein to the contrary, providers of medical care shall be reimbursed only for that part of unreimbursed care which exceeds seven percent of that provider's gross billings for the current fiscal year.

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Melton, Mitchell, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Sasser, Scott, Starkey, Starr, Thomas, Trammell, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—60

AMENDMENT OFFERED

The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 44 as amended, said amendment being as follows:

Amend Substitute to H.B. 44, page 4, line 6 after the word "firm," by adding the words the Board and on line 8 after the word "than" by adding the words or equal to

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McKee, Mathis, Owens, Parker, Poole, Rains Reed, Rice, Richardson, Sasser, Scott, Starkey, Starr, Thomas, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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AMENDMENT OFFERED

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 44 as amended, said amendment being as follows:

Amend Substitute to H. 44 on page 4, Section 2, line 5 by striking ~~certified~~ and inserting in lieu thereof the following:

certified

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Freeman, Gaston, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Owens, Parker, Poole, Rains, Reed, Richardson, Sasser, Scott, Smith, Starr, Thomas, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—59

And the bill:

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County indigent Care Board of all oil and gas severance tax revenues designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provisions of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Black, Blakeney, Bowling, Box, Brakefield, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Johnson (A.L.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, Mathis, Melton, Moore, Newman, Nicholson, Owens, Parker, Poole, Rains, Reed, Rice, Richardson, Sasser, Scott, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

And the bill:

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

Was read a third time at length and passed; and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Lewis, McKee, McMillan, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Rains, Reed, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 446:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Casey, Clark, Clikas, Coburn Coleman, Crow, Davis, Dutton, Escott, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Manley, Martin, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

H. 498 TEMPORARILY POSTPONED

On motion of Rep. Coburn the bill, H. 498 was temporarily postponed.

And the bill:

H. 54. (With Amendment): To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Was taken up.

The question then was on the adoption of the amendment reported by the Standing Committee on Ways and Means, said amendment being as follows:

Amend House bill 54, Page 2, after line 38 by inserting the following:

"Upon the effective date of this Act, the additional revenue generated herein shall be over and above the appropriation of the Alabama Public Service Commission for Fiscal Year 83-84."

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Bowling, Box, Brakefield, Brooks, Bryant, Buskey, Carter, Casey, Coburn, Coleman, Crow, Dutton, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harper, Harvey, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, Manley, Martin, Mitchell, Moore, Murphy, Newman, Nicholson, Parker, Poole, Rains, Reed, Rice, Richardson, Scott,

Starr, Stout, Thomas, Trammell, Turner, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—60

And the bill, H. 54, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 13.

Yeas:

Mr. Speaker, Bennett, Blake, Blakeney, Bowling, Box, Brooks, Casey, Coleman, Cosby, Crow, Davis, Freeman, Hall, Hammett, Hettinger, Horn, Junkins, Lauderdale, Layton, Manley, Martin, Melton, Mitchell, Newman, Nicholson, Reed, Richardson, Rogers, Starkey, Starr, Stout, Thomas, Trammell, Venable, White (F), White (L), Williams and Wright.

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Nays:

Reps.: Buskey, Carter, Clikas, Gaston, Grouby, Howard, Kvalheim, Laird, Parker, Rains, Turner, Warren and Wilson.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The clerk reported that there was a quorum present.

And the bill:

H. 55. (With Amendment): To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said amendment being as follows:

Amend House Bill 55, Page 2 after line 22 by inserting the following:

"Section 7. Upon the effective date of this Act, the additional revenue generated herein shall be over and above the appropriation of the Alabama Public Service commission for Fiscal Year 83-84."

Further amend House bill 55, Page 2, line 23 by striking the Figure "7" and inserting in lieu thereof the Figure: 8

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Brooks,

Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Coleman, Crow, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Horn, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Moore, Murphy, Nicholson, Owens, Parker, Penry, Rains, Reed, Richardson, Scott, Seibels, Smith, Starkey, Starr, Stout, Trammell, Venable, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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POINT OF PERSONAL PRIVILEDGE

Rep. Browder would have voted Aye on the bill, H. 54 had he been present at the time of voting.

MOTION TO ADJOURN LOST

The motion offered by Rep. Manley that the House adjourn pursuant to the resolution H. R. 229 heretofore adopted, was lost.

Yeas 41; Nays 48.

Yeas:

Mr. Speaker, Adams, Bennett, Boles, Bryant, Buskey, Campbell, Coburn, Davis, Escott, Grimsley, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Kennedy, Langford, Layton, Lewis, Manley, Mathis, Melton, Minus, Moore, Murphy, Parker, Payne, Poole, Rains, Reed, Rice, Rogers, Scott, Seibels, Thornton, Trammell, White (F), Williams and Wright.

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Nays:

Reps.: Albright, Ashley, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Crow, Dutton, Freeman, Gaston, Goodwin, Hall, Hammett, Harper, Hettinger, Johnson (A.L.), Junkins, Kvalheim, Laird, Lauderdale, McKee, McMillan, Martin, Newman, Nicholson, Owens, Richardson, Smith, Starkey, Starr, Stout, Turner, Turnham, Venable, White (L), Wilson and Zoghby.

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H. 55 RESUMED
MOTION TO POSTPONE TABLED

On motion of Rep. Harvey, the motion offered by Rep. Holmes to postpone the bill, H. 55 as amended to the sixteenth legislative day, was tabled.

Yeas 43; Nays 36.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Bowling, Box, Brakefield, Browder, Butler, Carter, Casey, Coburn, Coleman, Cosby, Crow, Dutton, Freeman, Goodwin, Grimsley, Hall, Hammett, Harvey, Howard, Johnson (A.L.), Johnson (Roy), Junkins, McKee, McMillan, Manley, Martin, Minus, Newman, Nicholson, Owens, Parker, Richardson, Starkey, Stout, Venable, White (L), Wright and Zoghby.

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Nays:

Reps.: Adams, Brooks, Bryant, Buskey, Carothers, Clikas, Davis, Escott, Gaston, Harper, Hettinger, Holmes, Horn, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, Mathis, Melton, Rains, Reed, Rice, Rogers, Scott, Seibels, Starr, Thomas, Thornton, Trammell, Turner, White (F), Williams and Wilson.

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MOTION TO POSTPONE H. 55

Rep. Holmes offered the motion to postpone the bill, H. 55 as amended to the seventeenth legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Pearson and Hilliard

S. J. R. 115—COMMENDING MR. HENRY L DOBBINS, PROMINENT ALABAMA EDUCATOR.

Also:

By Senator Parsons.

S. J. R. 120—COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

Also:

By Senator Cooley

S. J. R. 123—COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 115, S. J. R. 120, and S. J. R. 123, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Kirkland (With Notice and Proof):

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS AT-

TACHED TO THE BILL, SB 320 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Kirkland (With Notice and Proof):

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, SB 292 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 320. Local Legislation No. 1.

S. 292. Local Legislation No. 1.

ADJOURNMENT

On motion of Rep. White (F) and pursuant to the resolution H. R. 229, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, June, 7, 1983.

Yeas 52; Nays 39.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Boles, Bowling, Brakefield, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Coburn, Davis, Escott, Grimsley, Grouby, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Langford, Layton, Lewis, Manley, Mathis, Melton, Parker, Payne, Penry, Poole, Rains, Reed, Rice, Rogers, Scott, Seibels, Thomas, Thornton, Trammell, Tucker, Turnham, Waggoner, White (F), Williams and Wright.

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Nays:

Reps.: Ashley, Blake, Blakeney, Box, Brooks, Browder, Butler, Carter, Clikas, Coleman, Cosby, Crow, Dutton, Faulk, Gaston, Goodwin, Hall, Harper, Harvey, Junkins, Kvalheim, Laird, Lauderdale, McKee, Martin, Mitchell, Murphy, Newman, Nicholson, Owens, Richardson, Smith, Starkey, Starr, Stout, Venable, White (L), Wilson and Zoghby.

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FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 7, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Glenn L. Vernon, Director, Citronelle Baptist Assembly, Citronelle, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

LEAVES OF ABSENCE

At the request of Rep. Gaston, leave of absence was granted for Rep. Harper. At the request of Rep. Drinkard, leave of absence was granted for Rep. Ford.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 221. SETTING MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

BILLS ON SECOND READING

Rep. Raines, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory continguous thereto, in Cullman County, Alabama.

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

H. 692. To authorize the establishment of branch banks in Clarke County.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 233. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 7, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Harvey:

H. 55 p. 15 PSC, gas pipelines

By Mr. Ashley:

H. 441 p. 55 Port Authority

By Mr. Owens:

H. 224 p. 38 Insurance investments

By Mr. Flowers:

H. 297 p. 48 Victim present at trial

By Mr. Casey:

H. 246 p. 47 Restitution as a final judgment

By Mr. Casey:

H. 249 p. 47 No pardon without restitution

By Mr. Flowers:

H. 298 p. 23 Governor, death sentence

By Mr. Campbell:

H. 79 p. 23 Nolo contendere

By Mr. Manley:

H. 269 p. 22 Insanity as a defense

By Mr. Williams:

H. 105 p. 21 Illegal food stamp bill

By Mr. Hall:

H. 498 p. 85 State-owned motor vehicles

By Mr. Holley:

H. 134 p. 51 Prisons

By Mr. Moore:

H. 495 p. 86 Printing of Acts and Journals

By Mr. Turner:

H. 36 p. 27 Appoint hospital boards

By Mr. Williams:

H. 263 p. 22 Youthful offender proceedings

By Mr. Carothers:

H. 148 p. 71 Contracts less than $10,000

By Mr. Harper:

H. 68 p. 68 Oyster bill

By Mr. Holley:

H. 375 p. 41 General bonding requirements

By Mr. Holley:

H. 376 p. 41 Trip permits

By Mr. Turner:

H. 33 p. 13 Drivers license renewal

By Ms. Kennedy:

H. 133 p. 75 Telephone bill

By Mr. Williams:

H. 360 p. 109 Swine disease control

By Mr. Moore:

H. 20 p. 97 Chiropractor bill

By Mr. Johnson (Roy):

H. 72 p. 119 Nursing bill

By Mr. Turner:

H. 570 p. 98 Utility boards

By Mr. Boles:

H. 342 p. 76 Prosecution services

By Mr. Warren:

H. 561 p. 101 Property inventory

By Mr. Warren:

H. 562 p. 101 Property inventory

By Mr. Smith:

H. 387 p. 142 Pardons and paroles

By Mr. Turnham:

H. 354 p. 77 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 66 65 years older, fishing licenses

By Mr. Campbell:

H. 313 p. 83 Sale of abandoned motor vehicles

By Mr. Dutton:

H. 596 p. 102 Egg and chicken bill

By Mr. Stout:

H. 94 p. 2-S Veteran funerals

On motion of Rep. Casey the resolution H. R. 233 was adopted.

Also:

By Rep. Holley:

H. J. R. 234. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p. 1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended as follows:

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of ~~four~~ five members of the House and ~~four~~ five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the ~~1980~~ 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed $7,000.00. per annum.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 234, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Browder, leave of absence was granted for Rep. Crow.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Turner and Kennedy:

H. R. 235. DECLARING THE WEEK OF JUNE 11 THROUGH JUNE 16 AS CAMP SMILE WEEK.

WHEREAS, Camp Smile is located in Citronelle, Alabama and is a camp for retarded children and adults serving young educable mentally retarded, trainable, severe and profound mentally retarded campers with multiple handicaps; and

WHEREAS, Camp Smile was founded in 1972 by Brother Glenn Vernon, who is the Executive Director of Camp Smile; and

WHEREAS, Camp Smile is sponsored by the Mobile Baptist Association, the Mobile Association for Retarded Citizens; and uses the facilities of the Mobile Baptist Citronelle Assembly; and

WHEREAS, Camp Smile is open to all denominations and has had 1753 campers to date and is expecting 250 this summer; and

WHEREAS, all camp workers are volunteers and $32,000 will be spent over a four-week period; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the members hereby declare the week of June 11 through June 16 as Camp Smile Week.

BE IT FURTHER RESOLVED, That Brother Glenn Vernon be presented with a copy of this resolution in token of our appreciation and a copy be presented to hang in an appropriate place at Camp Smile.

On motion of Rep. Turner, the rules were suspended and the resolution, H. R. 235, was adopted.

Also:

By Rep. Turner:

H. R. 236. REQUESTING THE NATIONAL PARK SERVICE IN ATLANTA NOT TO CONSIDER THE ESCATAWPA RIVER TO BE PUT UNDER THE WILD AND SCENIC RIVER ACT.

WHEREAS, as the land along the Escatawpa River is land owned by private landowners; and

WHEREAS, as putting the Escatawpa River under the Wild and Scenic River Act would be against the wishes of these landowners; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That the members hereby request that the Escatawpa River not be considered to be a part of the Wild and Scenic River Act.

BE IT FURTHER RESOLVED, That we request that a copy of this resolution be sent to the National Park Service in Atlanta, Georgia.

On motion of Rep. Turner, the rules were suspended and the resolution, H. R. 236, was adopted.

Also:

By Rep. Holley:

H. J. R. 237. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 7, 1983, we adjourn to meet again on Thursday, June 9, 1983.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 237, was adopted.

Also:

By Rep. Holley:

H. R. 238. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, June 7, 1983, we adjourn to meet again on Thursday, June 9, 1983, at 10:00 a.m.

On motion of Rep. Holley, the rules were suspended and the resolution, H. R. 238, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Mathis:

H. R. 239 MOURNING THE DEATH OF MRS. KAROL RUTH FLEMING OF GENEVA, ALABAMA.

Also:

By Rep. Butler:

H. R. 240. COMMENDING MR. W. O. WOOLLEY OF MADISON COUNTY, ALABAMA.

Also:

By Reps. Gaston, Kvalheim and Box:

H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of Miss Lisa Carol Savell of Mobile, Alabama, as a member of the 1983 Prep All American Girls Sports Team; and

WHEREAS, Miss Savell, who is a graduate of Mobile's Wright School and is the daughter of Mrs. Hilda F. Savell and Mr. John H. Savell, is one of only one hundred high school seniors, nationwide, selected for this signal athletic honor; and

WHEREAS, she further is the recipient of the 1983 Female Athlete of the Year Award, sponsored by the Mobile Coaches Association, and for four consecutive years, was named Mobile County Female Runner of the Year; and

WHEREAS, Miss Savell is the holder of five Class 3A State records—indoor 880, indoor mile, indoor 2 mile, outdoor mile and outdoor 2 mile—and she holds a national record of six consecutive State Cross County championships; she also was named six times to the All-County Track Team, was State outdoor 880 Champion twice, was named 1982 Most Valuable State Indoor Meet, and is the recipient of the Army Reserve Scholar Athlete Award, the Hertz Number One Award, and the Tom Spain Award in 1981 for Most Outstanding Single Performance in the State Indoor Meet; and

WHEREAS, at Wright School, she was Playday Captain her senior year, Section Editor of the Wrightorian, and Editor of Wrightings, the school newspaper; and

WHEREAS, Miss Savell was lauded by her Coach, Mrs. Janey Pinnell Miller, who stated: "Her leadership is quietly unassuming, yet the intensity of her purpose and goal is unmistakably contagious for her team, opponents, and even spectators. She is truly a most deserving champion in every sense of the word."; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Miss Lisa Carol Savell of Mobile, Alabama, for extraordinary athletic accomplishment and direct that she receive a copy of this resolution in expression of our sincere praise and regard and our warmest best wishes for every future success.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 241, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 242. COMMENDING MR. JOHN AUSTIN BATES FOR OUTSTANDING EDUCATIONAL, MUSICAL AND RELIGIOUS CONTRIBUTIONS.

Also:

The following resolution was introduced:

By Reps. Seibels and Holmes:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

WHEREAS, in consensus of belief that the importance of Flag Day mandates an appropriate response by loyal American partriots, the Alabama Legislature both supports and encourages befitting observances throughout the State of Alabama on June 14, 1983; and

WHEREAS, our country's beloved flag was the first signal of the birth of our free and glorious nation and since its colors were first unfurled, it has flown in triumphant symbolism of America's proud and noble heritage; and

WHEREAS, it further is our conviction that we, as elected officials of the State of Alabama, most particularly are charged with the solemn duty of example; it is a duty, however, that is instead the privilege of every American—that of respectful tribute to our flag and to the cause of freedom it represents throughout the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby provide that this body shall assemble on June 14, 1983, to participate in appropriate ceremonies to pay tribute to our nation's flag.

BE IT FURTHER RESOLVED, That it also is the desire of the Alabama Legislature that citizens throughout our state pause in like tribute to our flag and that Old Glory be proudly flown throughout Alabama.

On motion of Rep. Siebels, the rules were suspended and the resolution, H. J. R. 243, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Zoghby, Buskey and Kennedy (With Notice and Proof):

H. 698. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 698, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Zoghby, Mathis, Rains and Drinkard:

H. 699. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further therefor and the natural grandparents and visitation rights of the minor child.

Judiciary.

By Rep. Zoghby:

H. 700. To require that insurance carriers providing medical, hospital, or surgical expense incurred health insurance to residents of this state must offer in conjunction with basic coverage catastrophic health insurance to any eligible person covering medical charges in excess of certain deductible amounts; to require such carriers to participate in an arrangement or pool which will assure the availability of such coverage to every eligible person, and to charge the commissioner of insurance of this state with the responsibility for implementation and enforcement of this act.

Insurance.

By Reps. Zoghby and Kennedy:

H. 701. To make a conditional appropriation for the fiscal year ending September 30, 1984, from the state treasury to the Alabama Council on the Arts and Humanities for an art education program for handicapped children.

Ways and Means.

By Rep. Casey:

H. 702. To reopen the State of Alabama retirement systems for certain military service: to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Ways and Means.

By Rep. Murphy (With Notice and Proof):

H. 703. Relating to Shelby County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; to transfer certain duties now performed by the tax assessor and tax collector; to provide that the probate judge shall be a member of the Association of Tax Assessors and Tax Collectors; and to provide further for the expense allow-

ance of the probate judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Murphy (With Notice and Proof):

H. 704. Relating to Shelby County; providing that the county commission shall set the salary rates, increases and decreases, for all county employees; repealing all conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 9175 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Murphy (With Notice and Proof):

H. 705. Relating to Shelby County; prescribing certain procedures for performing work or services upon private property and selling certain materials; authorizing the county engineer to have certain powers and duties related to such work or materials; and authorizing the county governing body to set the conditions under which such work may be performed or such materials may be sold; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Horn, Payne, Boles, Seibels, Davis, Rogers and Scott (With Notice and Proof):

H. 706. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 706, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Blakeney (With Notice and Proof):

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Holley, Penry, Faulk, Warren, White (F), Gaston, Kvalheim, McMillan, Smith and Richardson:

H. 708. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Ways and Means.

By Rep. Holley:

H. 709. To amend Section 11-54-96, Code of Alabama 1975, as amended, (the Cater Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value of the bonded indebtedness of such property financed by the Board.

Ways and Means.

By Rep. Holley:

H. 710. To amend Section 11-58-14, Code of Alabama 1975, as amended, by making subject to ad valorem taxation the leasehold interest in property owned and leased by Medical Clinic Boards.

Ways and Means.

By Rep. Holley:

H. 711. To amend Section 11-54-31, Code of Alabama 1975, as amended, (The Wallace Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value that exceeds the bonded indebtedness of such property financed by the Board.

Ways and Means.

By Rep. Layton:

H. 712. To amend Section 36-25-1, Code of Alabama 1975, which defines certain terms pursuant to the Code of Ethics, so as to provide further for the definition of "public employee."

State Administration.

By Rep. Layton:

H. 713. To amend Section 16-16-6, Code of Alabama 1975, relating to the membership of the Alabama Public School and College Authority and its board, so as to add the chief executive officer of postsecondary education and the executive officer of the Alabama Commission on Higher Education.

Ways and Means.

By Reps. Layton and Wilson:

H. 714. Providing that the terms "public schools" and "public elementary schools" as used in Article 3, Chapter 13, Title 16 of the Code of Alabama 1975, relating to the minimum program fund for public schools, shall mean and include public kindergartens.

Ways and Means.

By Rep. Layton:

H. 715. To amend Section 16-3-1, Code of Alabama 1975, relating to the composition, election and term of office of members of the state board of education, so as to provide further for such election, based on the 1980 census.

State Administration.

By Rep. Sasser:

H. 716. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept the Federation Licensing Examination for certain categories of applicants for certificates of qualification.

Health.

By Rep. Box (With Notice and Proof):

H. 717. To alter, rearrange and add to the limits of the City of Saraland in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Saraland; and to describe the area so removed from the City of Mobile and so added to the City of Saraland.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Gaston and Kvalheim:

H. 718. To amend Title 1, Section 3, Subsection 4 of the Code of Alabama, 1975 so as to change the fiscal year for the state and its departments, institutions, bureaus, boards, and commissions.

Education.

By Reps. Venable and Grouby (With Notice and Proof):

H. 719. Relating to Elmore County, to authorize the sheriff to use certain county jail inmates to work on county roads and public property.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 719, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Biddle and Waggoner:

H. 720. To exempt George Lindsey Celebrity Benefit, Inc., or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect.

Ways and Means.

By Reps. Boles, Trammel, Waggoner, Lewis, Bennett, Tucker, Davis, Howard, Rogers, Horn, Thornton, Layton, Seibels and Escott (With Notice and Proof):

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 721, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Biddle:

H. 722. To provide for an advisory council to the designated state health planning and development agency; to specify the number and manner of selection of the members of the council; to provide for per diem and reimbursement for allowable expenses for the members of the council and special task forces; to specify the manner of selection of the chairman of the council; to provide for the appointment of special task forces to perform designated functions; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify that the state health planning and development agency shall serve as the designated agency for the purpose of Section 1122 of the Social Security Act; to provide for the adoption, revision, etc., of rules, regulations, standards, etc. by the state health planning and development agency and appeals therefrom; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

Health.

By Rep. Minus (With Notice and Proof):

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 723, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Drake:

H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.

WHEREAS, the Legislature of Alabama, in pleased concurrence, notes the selection of Doctor William D. Powell, Jr., as the recipient of the distinguished H. Moren Fuller Award; and

WHEREAS, this highest honor of the Alumni Association of the University of Alabama School of Dentistry was bestowed upon Doctor Powell in recognition of his outstanding contributions to the profession of dentistry, both as a private practitioner and as a member of the University's faculty; and

WHEREAS, Doctor Powell, a Birmingham native, is a second-generation dentist and is the grandson of a former member of the Alabama Legislature; he is a graduate of Woodlawn High School, attended Howard College and, from 1938 until 1953 was a dental technician; during the period 1949-1953, he also was a student at the University of Alabama School of Dentistry and was a member of the second class to enter the newly established dental school; and

WHEREAS, upon graduation, Doctor Powell immediately joined the faculty on a part-time basis and, in 1967, closed his private practice to become a full-time professor; and

WHEREAS, Doctor Powell's numerous professional affiliations include the Alabama and the American Dental Associations, the American Academy of Restorative Dentistry, the American Academy of Crown and Bridge Prosthodontics, the International College of Dentists and Omicron Kappa Upsilon National Dental Honor Society; he also serves as a consultant to the U.S. Army at Fort Benning and the Veterans Administration Medical Centers in Birmingham, Tuskegee and Tuscaloosa, and has both lectured and directed clinics throughout Alabama; and

WHEREAS, Doctor Powell is held in highest regard by his peers, former students and patients, and indeed by a grateful citizenry for his contributions to the profession he has served with distinction and dedication, and with a firm commitment to the furtherance of technical ability and ethical conduct in dentistry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express sincere commendation of Doctor William D. Powell, Jr., for outstanding professional achievement and as the recipient of the prestigious H. Moren Fuller Award.

BE IT FURTHER RESOLVED, That in token of our utmost esteem, a copy of this resolution shall be provided for Doctor Powell that he and his family may know of our sincere warm praise and regard.

On motion of Rep. Bowling, the rules were suspended and the resolution, H. J. R. 244, was adopted.

Also:

By Rep. Sasser:

H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF

OZARK, ALABAMA.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Dewey P. Williams of Ozark, Alabama, the recipient of the National Endowment for the Arts' National Heritage Award; and

WHEREAS, Mr. Williams, a nominee of the Alabama State Council on the Arts and Humanities, is one of only fifteen virtuosos, nationwide, to receive this distinguished designation as an exemplary master folk artist; and

WHEREAS, a native of Dale County, Alabama, Mr. Williams was born in 1898, and is now 85 years young; at the age of six, he began singing Sacred Harp and is now a master teacher of this traditional style of shape-note singing, performed in unaccompanied four-part harmony with the singing of the notes preceding the lyrics; and

WHEREAS, Sacred Harp, though frequently sung in numerous White communities in the South is rarely found among Blacks with the exception of Southeast Alabama, where Mr. Dewey Williams is credited with its survival; he has trained hundreds of young Blacks, conducting lessons in communities throughout this area, and has further organized the Wiregrass Sacred Harp Singers who have performed at numerous festivals, in Canada as well as in the United States, and appear on their own television and radio programs in Ozark; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Dewey P. Williams of Ozark, Alabama, and express our deep appreciation for the fame and honor he has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our deep pride in his accomplishments and in expression of our warmest regard, a copy of this resolution shall be presented to Mr. Williams, an outstanding Alabamian and renowned artist of national acclaim.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 245, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Box:

H. R. 246. COMMENDING SHANA HAYES—MISS SATSUMA UNITED 1983.

BILLS ON THIRD READING
H. 45 TEMPORARILY POSTPONED

On motion of Rep. Buskey, the bill, H. 45 was temporarily postponed.

And the bill:

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 1.

Yeas:

Mr. Speaker, Ashley, Blakeney, Bowling, Bryant, Buskey, Butler, Casey, Escott, Flowers, Gaston, Hettinger, Horn, Johnson, (A.L.), Junkins, Kvalheim, Lauderdale, Layton, McMillan, Minus, Murphy, Newman, Parker, Payne, Penry, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Tucker, Waggoner, Warren, White, (F.), Wilson and Zoghby.

—41

Nay: Rep. Lewis. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 312. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

Was taken up.

Rep. Payne offered the following amendment to the bill, H. 312:

Amend House Bill 312, page 6, on line 11, after the word "shall" by striking ~~hereafter~~.

Further amend the bill, page 6, immediately following line 31, by adding 2 new sections and renumbering remaining sections accordingly. New section 2 and 3 to read as follows:

Section 2. The intent of this Legislation is that the current board members remain in service until their terms expire.

Section 3. This legislation in no way is intended to change the name of the Birmingham Jefferson Civic Center.

And the amendment was adopted.

Yeas 36; Nay 0.

Yeas:

Mr. Speaker, Ashley, Bowling, Browder, Bryant, Butler, Casey, Escott, Gaston, Horn, Johnson (A.L.), Lauderdale, Layton, Lewis, McKee, Mathis, Minus, Murphy, Newman, Parker, Payne, Rains, Rice, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Trammell, Tucker, Waggoner, Wilson, Wright and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 312, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 1.

Yeas:

Mr. Speaker, Bennett, Bowling, Browder, Bryant, Butler, Casey, Coburn, Gaston, Grouby, Junkins, Layton, Lewis, Mathis, Mitchell, Murphy, Newman, Parker, Payne, Rains, Rice, Richardson, Sasser, Seibels, Starr, Thornton, Trammell, Tucker, Wilson, Wright and Zoghby.

—31

Nay: Rep. Scott. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 324. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

Was taken up.

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 324:

Amend H.B. 324 by inserting the words "for the Bessemer Division" between the word "sheriff" and the word "of" on line 16; and between the same words on line 19.

And the amendment was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Bowling, Browder, Bryant, Buskey, Butler, Carter, Casey, Coburn, Gaston, Grouby, Horn, Lauderdale, Manley, Murphy, Newman, Parker, Rains, Rice, Rogers, Scott, Seibels, Starkey, Starr, Trammell, Waggoner, Wilson, Wright and Zoghby.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has ex-

amined the following House Joint Resolution, to-wit:

H. J. R. 221. RELATIVE TO LEGISLATIVE MEETING DATES TUESDAY, MAY 31, 1983 AND THURSDAY, JUNE 2, 1983.

And finds Same Correctly Enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote, of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 324 RESUMED

And the bill:

H. 324. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Bennett, Boles, Bowling, Browder, Bryant, Buskey, Butler, Carter, Casey, Coburn, Davis, Freeman, Gaston, Grouby, Horn, Junkins, Kvalheim, Lauderdale, Layton, Manley, Mathis, Murphy, Newman, Parker, Payne, Rains, Rice, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Thornton, Trammell, Waggoner, Warren, Wilson and Wright.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Gaston, the bill, H. 424 was temporarily postponed.

H. 507 TEMPORARILY POSTPONED

On motion of Rep. Rice, the bill, H. 507 was temporarily postponed.

And the bill:

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Was taken up.

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 530:

Amend House Bill 530 page 1, beginning on line 35, after the word "shall" by deleting the remainder of line 35 and lines 35, 36 and 37 in their entirety and on page 2 by deleting line 5 and on line 6 by deleting the following ~~under the sheriff.~~ and substituting in lieu thereof the following: receive salary compensation in an amount equal to that set by the Personnel Board of Jefferson County, Alabama, for a position three (3) pay grades higher than the highest paid captain in the Jefferson County Sheriff's Department.

And the amendment was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Bowling, Brakefield, Browder, Bryant, Butler, Carter, Casey, Coburn, Davis, Gaston, Hall, Harvey, Hettinger, Horn, Junkins, Kvalheim, Lauderdale, Layton, Lewis, McMillan, Mathis, Moore, Murphy, Newman, Owens, Parker, Payne, Reed, Rice, Rogers, Scott, Seibels, Starr, Thornton, Trammell, Warren, White, (L.), Wilson and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 530, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clikas, Coburn, Davis, Escott, Gaston, Grouby, Hall, Harvey, Hettinger, Horn, Howard, Kvalheim, Lauderdale, Layton, McMillan, Manley, Mathis, Moore, Murphy, Newman, Owens, Parker, Penry, Rice, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Waggoner, Warren, Wilson and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 40€. (With Amendment): Relating to Jefferson County; amending further Section 19 of Act No. 248, H. 580, 1945 Regular Session (General Acts 1945, p. 376), which Act created and established a county-wide civil service system in each county having a population of 400,000 or more according to the last or any future federal census, so as to delete the maxi-

mum annual vacation leave that can be granted an employee of any such civil service system.

Was taken up.

The question then was on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said amendment being as follows:

Amend H. B. 406, Section 1, page 3, line 14, by deleting the period and inserting the following language:

", consistent with progressive personnel practice; provided however, that any permanent employee shall, upon retirement or termination in good standing after five (5) years of service, be entitled to receive payment for fifty percent (50%) of his accrued and unused sick leave at the time of his retirement or termination and all such payments shall be made at the same rate as his regular pay. At the time of said retirement or termination said payment shall not exceed fifty percent (50%) of sixty (60) days. Provided, further, that it shall be optional with each appointing authority whether such provisions shall be applicable to its employees."

And the amendment was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Bennett, Boles, Bowling, Brakefield, Browder, Butler, Carter, Casey, Coburn, Flowers, Gaston, Howard, Junkins, Lewis, McMillan, Manley, Mathis, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Rice, Starr, Thomas and Wilson.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 406, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 26; Nays 3.

Yeas:

Mr. Speaker, Bennett, Biddle, Boles, Brakefield, Davis, Escott, Gaston, Horn, Howard, Layton, Lewis, McMillan, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Rogers, Scott, Trammell, Tucker, Waggoner and Wright.

—26

Nays: Reps. Bryant, Seibels and Thornton. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 115. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 120. COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

Also:

S. J. R. 123. COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 593. Relating to Jefferson County; to provide that all telephone calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Jefferson County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 22; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Boles, Butler, Carter, Casey, Harvey, Horn, Layton, Lewis, McMillan, Moore, Murphy, Owens, Parker, Payne, Penry, Rice, Rogers, Trammell and Wright.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 350. (With Amendment): To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said amendment being as follows:

Amend H.B. 350, page 2, line 9, by inserting after the word "appoint" the following:

", from the administrative staff of the mayor and council exclusively,"

and, further, amend H.B. 350, page 2, line 12, by deleting everything after the word "attendance" and the entirety of line 13 and inserting in lieu thereof the following:

"."

And the amendment was adopted.

Yeast 37; Nays 0.

Yeas:

Mr. Speaker, Bennett, Boles, Bowling, Bryant, Butler, Carter, Casey, Coburn, Davis, Escott, Gaston, Hettinger, Horn, Junkins, Kvalheim, Lauderdale, Layton, McMillan, Owens, Parker, Payne, Penry, Reed, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Waggoner, Wilson and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 350, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Boles, Bowling, Bryant, Carter, Casey, Coburn, Davis, Escott, Gaston, Hall, Hettinger, Horn, Kvalheim, Lauderdale, Layton, Lewis, McMillan, Owens, Parker, Payne, Penry, Reed, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Wilson and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the

Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 328. (With Substitute): Relating to Shelby County; to provide further for the term of office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation and expense allowances now being paid, the Shelby County Coroner shall receive an expense allowance of ($5,000) five thousand dollars per annum payable from the county treasury in equal monthly installments. Because of the increased death rate in the county in recent years, the coroner is hereby authorized and empowered to appoint a deputy coroner at a salary of ($100) one hundred dollars per month with an expense allowance of ($100) one hundred dollars per month with such salary and expenses payable from the county treasury. Such deputy coroner shall have the same qualifications as the coroner and shall serve under the supervision of the coroner and subject to the coroner's procedures for conducting death investigations. Said deputy coroner may be dismissed from service by the county commission for violations of such procedures or acts of misconduct.

Section 2. This act is supplemental and shall be construed in pari materia with all laws local or general pertaining to the office of coroner in Shelby County, Alabama. However, all laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Bowling, Bryant, Butler, Carter, Casey, Clikas, Coburn, Davis, Freeman, Gaston, Goodwin, Hall, Hettinger, Horn, Kvalheim, Lauderdale, Layton, Lewis McMillan, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Rogers, Scott, Seibels, Smith,

Starkey, Starr, Thomas, Trammell, Waggoner, Wilson, Wright and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bryant, Carter, Casey, Freeman, Goodwin, Hall, Hettinger, Kvalheim, Lauderdale, Layton, McMillan, Moore, Murphy, Nicholson, Owens, Parker, Penry, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Williams, Wright and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 678. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted on such property except for the old equipment that is traded in on new equipment; providing for the disposition of revenues received from the sale of said property; prescribing penalties for violations and specifically repealing Act No. 80-519, H. 1052, of the 1980 Regular Session of the Legislature (Acts 1980, p. 799) and all other laws in conflict with this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Bryant, Carter, Casey, Coburn, Coleman, Dutton, Freeman, Gaston, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Junkins, Kvalheim, Lauderdale, Layton, McMillan, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Reed, Rice, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Venable, Williams, Wilson, Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Bryant, Carter, Casey, Coburn, Coleman, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Mitchell, Moore, Murphy, Newman, Parker, Penry, Reed, Scott, Smith, Starkey, Starr, Thomas, Trammell, Venable, Waggoner, Williams, Wilson, Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Carter, Casey, Coburn, Coleman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Kvalheim, Layton, McMillan, Manley, Moore, Newman, Nicholson, Owens, Parker, Penry, Reed, Seibels, Smith, Starkey, Starr, Thomas, Venable, Warren, Williams, Wilson and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 228. SETTING MEETING DAYS OF THE LEGISLATURE, JUNE 2 TO JUNE 7, 1983.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Also:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Also:

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Also:

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale or draft or keg beer in said county.

Also:

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Also:

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

McDOWELL LEE,
Secretary.

And the bill:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law for a national bank or federal savings bank or federal savings and loan association or federal savings and loan service corporation and to acquire and hold any or all of the shares or one or more federal or state savings banks or federal savings and loan associations having no offices within the State of

Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Which was carried over from the fourteenth legislative day was again taken up.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 370:

1. Amend House Bill 370 on pages 1 and 2 thereof by striking in its entirety the title of the bill as set forth on lines 26 through 37 and lines 5 through 7 on page 2 thereof and substituting therefor the following:

Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

2. Amend House Bill 370 on page 2 thereof by striking lines 10 through 23 thereof, and substituting therefore the following:

Section 1. With prior approval of the Superintendent of Banks of Alabama, any bank organized under the laws of Alabama shall have the power to:

(a) Engage, either directly or through one or more subsidiaries, in any activity or business as would at the time of commencement thereof be authorized by federal law to a federal savings banks, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity or business which is not then otherwise permissible to a state bank is not conducted within the State of Alabama; and

(b) Acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within the State of Alabama; and

(c) After acquisition thereof, continue to hold any or all of the shares of one or more federal or state savings banks or savings and loan associations so long as the same have no offices within the State of Alabama; provided, however, that if any such federal or state savings bank or savings and loan association shall, after acquisition of shares therein by a bank organized under the State of Alabama, establish or acquire any office or offices within the State of Alabama, then such shares shall be divested or the office or offices closed.

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Holmes to temporarily postpone the bill, H. 370 with pending amendment was tabled.

Yeas 42; Nays 38.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Box, Brooks, Butler, Campbell, Carter, Clikas, Cosby, Drinkard, Dutton, Freeman, Gaston, Hall, Hettinger, Junkins, Kvalheim, Layton, Lewis, McKee, Manley, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rogers, Scott, Seibels, Starkey, Starr, Stout, Turner, Turnham, Waggoner, Wilson, Wright and Zoghby.

—42

Nays:

Reps.: Ashley, Blake, Boles, Brakefield, Bryant, Buskey, Casey, Clark, Davis, Escott, Goodwin, Grimsley, Hammett, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, McMillan, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Rains, Reed, Smith, Thomas, Venable, Warren, White (L) and Williams.

—38

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

Also:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-

11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

McDOWELL LEE,
Secretary.

H. 370 RESUMED

The question was then on the adoption of the amendment offered by Rep. Manley to the bill, H. 370 and the amendment was adopted.

Yeas 48; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Box, Brakefield, Brooks, Bryant, Carter, Casey, Coleman, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Hall, Hammett, Harvey, Hettinger, Holley, Johnson (R.G.), Johnson (Roy), Junkins, Laird, Lewis, McMillan, Manley, Moore, Murphy, Newman, Nicholson, Parker, Payne, Penry, Sasser Scott, Seibels, Smith, Starkey, Starr, Stout, Venable, Waggoner, Wilson and Zoghby.

—48

Nays:

Reps.: Blakeney, Flowers, Grimsley, Mathis, Preuitt, Rains and Rice.

—7

AMENDMENT OFFERED

Rep. Casey offered the following amendment to the bill, H. 370 as amended:

Amend House Bill 370, page 2, beginning on line 33 by striking Section 5 in its entirety and renumbering remaining sections.

MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the amendment offered by Rep. Casey to the bill, H. 370 as amended, was lost.

Yeas 30; Nays 44.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Bowling, Box, Brooks, Butler, Cosby, Drinkard, Gaston, Hall, Hettinger, Horn, Junkins, Kvalheim, Layton, Lewis, Manley, Martin, Murphy, Nicholson, Penry, Rogers, Scott, Starr, Waggoner, Wright and Zoghby.

—30

Nays:

Reps.: Ashley, Blake, Blakeney, Boles, Brakefield, Bryant, Buskey, Casey, Clark, Coburn, Dutton, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Kennedy, Laird,

Langford, Lauderdale, McMillan, Mathis, Mitchell, Moore, Newman, Owens, Payne, Preuitt, Rains, Reed, Sasser, Smith, Starkey, Thomas, Trammell, Venable, Warren, White (F) and White (L).

—44

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Casey to the bill, H. 370 as amended and the amendment was adopted.

Yeas 47; Nays 32.

Yeas:

Reps.: Ashley, Blake, Blakeney, Boles, Brakefield, Bryant, Buskey, Casey, Clark, Coburn, Cosby, Davis, Dutton, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Mathis, Melton, Mitchell, Moore, Newman, Owens, Payne, Preuitt, Rains, Reed, Sasser, Smith, Starkey, Thomas, Trammell, Venable, Warren, White (F), White (L) and Williams.

—47

Nays:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Bowling, Box, Brooks, Butler, Carothers, Carter, Drinkard, Gaston, Hall, Hettinger, Horn, Junkins, Kvalheim, Layton, Lewis, McMillan, Manley, Martin, Nicholson, Penry, Rogers, Scott, Seibels, Starr, Waggoner, Wright and Zoghby.

—32

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 370 as amended:

Amend House Bill 370, as amended by the addition of the following after the ; and before the word "and" on line 16 of page 2 of the amendment.

"provided however, Nothing in this Act shall be construed to authorize or permit any banks organized under the laws of the state of Alabama to engage in the business of real estate brokerage in Alabama;"

And the amendment was adopted.

Yeas 61; Nays 10.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Brooks, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Dutton, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Holmes, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, McMillan, Mathis, Moore, Murphy, Newman, Owens, Parker, Payne, Penry, Preuitt, Rains, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Venable, Warren, White (F), White (L), Williams, Wright and Zoghby.

—61

Nays:

Reps.: Bowling, Hettinger, Johnson (R.G.), Kvalheim, Lewis, Manley, Minus, Nicholson, Seibels and Waggoner.

—10

AMENDMENT OFFERED

Rep. Brakefield offered the following amendment to the bill, H. 370 as amended:

Amend House Bill 370 as amended by adding the following language after the semi-colon and before the word "and" on line 16 of page 2 of the amendment:

"provided however, that nothing in this Act shall be construed to authorize or permit any bank organized under the laws of the State of Alabama to engage in the business of insurance other than now permitted as credit life insurance, or as presently authorized under state law;

And the amendment was adopted.

Yeas 42; Nays 39.

Yeas:

Reps.: Albright, Ashley, Blake, Boles, Brakefield, Browder, Bryant, Buskey, Butler, Coburn, Coleman, Dutton, Flowers, Goodwin, Grimsley, Hammett, Holley, Holmes, Johnson (Roy), Kennedy, Laird, Langford, McMillan, Melton, Mitchell, Murphy, Newman, Owens, Preuitt, Rains, Reed, Rice, Richardson, Scott, Smith, Stout, Thomas, Venable, Warren, White (F), White (L) and Williams.

—42

Nays:

Mr. Speaker, Bennett, Biddle, Bowling, Box, Brooks, Campbell, Carothers, Carter, Casey, Davis, Drinkard, Gaston, Hall, Horn, Johnson (R.G.), Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Nicholson, Parker, Payne, Penry, Rogers, Sasser, Starkey, Starr, Tucker, Turner, Turnham, Waggoner, Wilson, Wright and Zoghby.

—39

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Holmes to postpone the bill, H. 370 as amended until the sixteenth legislative day without losing its place on the calendar, was tabled.

Yeas 49; Nays 43.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Bowling, Box, Brakefield, Brooks, Butler, Campbell, Carter, Cosby, Davis, Drinkard, Dutton, Flowers, Gaston, Hall, Harvey, Hettinger, Horn, Johnson (R.G.), Junkins, Kvalheim, Layton, McKee, McMillan, Manley, Martin, Minus, Murphy, Nicholson, Owens, Parker, Penry, Preuitt, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Starr, Stout, Turner, Turnham, Waggoner, Wright and Zoghby.

—49

Nays:

Reps.: Albright, Ashley, Blake, Blakeney, Boles, Browder, Bryant, Buskey, Carothers, Casey, Coburn, Escott, Freeman, Goodwin, Grimsley, Grouby, Holley, Holmes, Howard, Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Lewis, Mathis, Melton, Mitchell, Moore, Newman, Payne, Poole, Rains, Reed, Smith, Starkey, Thomas, Thornton, Tucker, Warren, White (F), White (L) and Williams.

—43

MOTION TO ADJOURN LOST

The motion offered by Rep. Rice, that the House adjourn, was lost.

Yeas 42; Nays 48.

Yeas:

Mr. Speaker, Adams, Albright, Blake, Boles, Bowling, Brooks, Buskey, Carothers, Casey, Clark, Davis, Dutton, Escott, Freeman, Grimsley, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Lauderdale, Manley, Martin, Mathis, Melton, Newman, Poole, Reed, Rice, Richardson, Rogers, Sasser, Thomas, Thornton, Trammell, Tucker, Turnham and Williams.

—42

Nays:

Reps.: Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Browder, Butler, Carter, Coburn, Cosby, Drinkard, Faulk, Flowers, Gaston, Goodwin, Harvey, Johnson (R.G.), Junkins, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Murphy, Nicholson, Owens, Parker, Payne, Penry, Preuitt, Rains, Scott, Seibels, Smith, Starkey, Starr, Stout, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—48

MOTION TO INDEFINITELY POSTPONE

Rep. Casey offered the motion to indefinitely postpone the bill, H. 370 as amended.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House bills and House Joint Resolution, to wit:

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Also:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Also:

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Also:

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Also:

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

Also:

H. J. R. 228. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, JUNE 2, 1983, AND TUESDAY, JUNE 7, 1983.

And Finds Same Correctly Enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and

the legislature's concurrence thereof.

Also:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

And Finds Same Correctly Enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on rules.

H. 370 RESUMED

The question was then on the motion offered by Rep. Casey to indefinitely postpone the bill, H. 370 as amended and the motion was lost.

Yeas 39; Nays 46.

Yeas:

Reps.: Ashley, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Buskey, Casey, Coburn, Dutton, Flowers, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Laird, Langford, Mathis, Mitchell, Moore, Newman, Owens, Poole, Rains, Reed, Richardson, Sasser, Thomas, Turnham, Venable, Warren, White (F), White (L) and Williams.

—39

Nays:

Mr. Speaker, Adams, Biddle, Bowling, Box, Brooks, Butler, Campbell, Carothers, Carter, Clark, Clikas, Cosby, Davis, Drinkard, Gaston, Hall, Harvey, Hettinger, Horn, Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Murphy, Nicholson, Parker, Payne, Penry, Preuitt, Rogers, Scott, Seibels, Starkey, Thornton, Tucker, Turner, Waggoner, Wright and Zoghby.

—46

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy) to postpone the bill, H. 370 as amended until the seventeenth legislative day without losing its place on the calendar, was tabled.

Yeas 50; Nays 40.

Yeas:

Mr. Speaker, Adams, Albright, Biddle, Bowling, Box, Brooks, Butler, Campbell, Carothers, Carter, Clikas, Coleman, Cosby, Davis, Drinkard, Gaston, Hall, Hettinger, Horn, Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Minus, Murphy, Nicholson, Parker, Payne, Penry, Preuitt, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thornton, Turner, Waggoner, Wilson, Wright and Zoghby.

—50

Nays:

Reps.: Ashley, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Coburn, Dutton, Flowers, Goodwin, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (A.L.), Johnson, (R.G.), Johnson (Roy), Kennedy, Laird, Langford, Mathis, Mitchell, Moore, Newman, Owens, Poole, Rains, Rice, Thomas, Turnham, Venable, Warren, White (F), White (L) and Williams.

—40

MOTION TO POSTPONE H. 370

Rep. Holmes offered the motion to postpone the bill, H. 370 as amended to the nineteenth legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators deGraffenried, Keener, Mitchem, Proctor, Smith (J), Aldridge, Bedford, Bailey, Parsons, Bishop, Holmes, Bachus, Teague, Kirkland, Figures, Bedsole, Menton, Dixon, Denton, Covington, Little, Mitchell and Smith (B):

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 58, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague (With Notice and Proof):

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 309 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Bachus (With Notice and Proof):

S. 400. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 400 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Aldridge (With Notice and Proof):

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 428 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Holmes (With Notice and Proof):

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of com-

missioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 440 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Aldridge (With Notice and Proof):

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 456 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 309. Local Legislation No. 1.

S. 400. Local Legislation No. 1.

S. 428. Local Legislation No. 1.

S. 440. Local Legislation No. 1.

S. 456. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Teague:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Also:

By Senators Mitchem, Bishop, Goodwin, Denton, deGraffenried, Little, Bedford and Mitchell:

S. 190. To exempt George Lindsey Celebrity Benefit, Inc., the Opp Jaycees Rattlesnake Rodeo, the Andalusia Rotary Club World Championship Domino Tournament, the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes.

Also:

By Senator Foshee:

S. 49. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Also:

By Senator Foshee:

S. 50. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Also:

By Senator Bailey:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 65. Local Government.

S. 190. Ways and Means.

S. 49. Local Government.

S. 50. Local Government.

S. 245. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Also:

By Senator Denton:

S. 291. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Depart-

ment, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect, and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Also:

By Senators Smith (J), Harrison, Kirkland and Hilliard:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificates; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70 through § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Also:

By Senator Parsons:

S. 68. To amend Section 41-15-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

Also:

By Senators Little, Amari, Smith (B), Denton, Dixon, Cabaniss, Aldridge and Robertson:

S. 87. to amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Also:

By Senators Mitchem, Covington, Foshee, Little, Harrison, Holmes, Bailey, and Bachus:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in

conjunction with any nursing home.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 38. Insurance.

SENATE MESSAGE

The Senate Bill, S. 291, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways and Means.

SENATE MESSAGE

The Senate Bill, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 127. Judiciary.

S. 68. Local Government.

S. 87. Judiciary.

S. 174. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 237. SETTING MEETING DAYS OF THE LEGISLATURE, JUNE 7 TO JUNE 9.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:10 P.M. on June 7, 1983.

H. J. R. 221

Delivered to the Governor at 4:40 P.M. on June 7, 1983.

H. 98

H. 181

H. 382

H. 385

H. 386

H. 422

H.J.R. 228

H. 361

H. 363

H. 364

H. 365

H. 366

H. 367

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy) and pursuant to the resolution, H. R. 238, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 9, 1983.

SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 9, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Richard Kellahan, Pastor, First Presbyterian Church, Jasper, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

LEAVES OF ABSENCE

At the request of Rep. Stout, leave of absence was granted for Rep. Richardson.

At the request of Rep. Carter, leave of absence was granted for Rep. Parker, June 14th and 16th.

At the request of Rep. McKee, leave of absence was granted for Rep. Starr.

At the request of Rep. Drinkard, leave of absence was granted for Rep. Ford.

At the request of Rep. Howard, leave of absence was granted for Rep. Nevett.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 247. COMMENDING THE FAIRHOPE HIGH SCHOOL FFA QUARTET.

LEAVE OF ABSENCE

At the request of Rep. Browder, leave of absence was granted for Rep. Crow to attend Military Camp.

LEAVE OF ABSENCE

At the request of Rep. Zoghby, leave of absence was granted for Rep. Box.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 248. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we ad-

journ today, Thursday, June 9, 1983, we adjourn to meet again on Tuesday, June 14, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 248, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 249. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, June 9, 1983, we adjourn to meet again on Tuesday, June 14, 1983, at 1:00 p.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution H. R. 249, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Casey, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

On motion of Rep. Martin, the resolution S. J. R. 1, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 250. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 9, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

And the Following Bills:

By Mr. Harvey:

H. 55 p. 15 PSC, gas pipelines

By Mr. Owens:

H. 224 p. 38 Insurance investments

By Mr. Flowers:

H. 297 p. 48 Victim present at trial

By Mr. Casey:

H. 246 p. 47 No pardon without restitution

By Mr. Casey:

H. 249 p. 47 Restitution as a final judgment

By Mr. Flowers:

H. 298 p. 23 Governor, death sentence

By Mr. Campbell:

H. 79 p. 23 Nolo contendere

By Mr. Drinkard:

H. 163 p. 107 Uniform health plan

By Mr. Manley:

H. 269 p. 22 Insanity as a defense

By Mr. Williams:

H. 105 p. 21 Illegal food stamp bill

By Mr. Johnson (Roy):

H. 72 p. 119 Nursing bill

By Mr. Hall:

H. 498 p. 85 State-owned motor vehicles

By Mr. Holley:

H. 134 p. 51 Prisons

By Mr. Moore:

H. 495 p. 86 Printing of Acts and Journals

By Mr. Turner:

H. 36 p. 27 Appoint hospital boards

By Mr. Williams:

H. 263 p. 22 Youthful offender proceedings

By Mr. Carothers:

H. 148 p. 71 Contracts less than $10,000

By Mr. Harper:

H. 68 p. 68 Oyster bill

By Mr. Holley:

H. 375 p. 41 General bonding requirements

By Mr. Holley:

H. 376 p. 41 Trip permits

By Mr. Turner:

H. 33 p. 13 Drivers license renewal

By Ms. Kennedy:

H. 133 p. 75 Telephone bill

By Mr. Williams:

H. 360 p. 109 Swine disease control

By Mr. Moore:

H. 20 p. 97 Chiropractor bill

By Mr. Turner:

H. 570 p. 98 Utility boards

By Mr. Boles:

H. 342 p. 76 Prosecution services

By Mr. Warren:

H. 561 p. 101 Property inventory

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H. 562 p. 101 Property inventory

By Mr. Smith:

H. 387 p. 142 Pardons and paroles

By Mr. Ashley:

H. 441 p. 55 Port authority

By Mr. Turnham:

H. 354 p. 77 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 66 65 years older, fishing licenses

By Mr. Campbell:

H. 313 p. 83 Sale of abandoned motor vehicles

By Mr. Dutton:

H. 596 p. 102 Egg and Chicken bill

By Mr. Stout:

H. 94 p. 2-S Veteran funerals

By Mr. Turner:

H. 675 p. 8-S Co-generation bill

By Mr. Grouby:

H. 305 p. 141 Forestry bill

By Mr. White (L):

H. 174 p. 30 Water Works Sewer Board

By Mr. Turnham:

H. 233 p. 80 Certificate title bill

By Mr. Adams:

H. 227 p. 72 Prison reimbursement

By Mr. Sasser:

H. 536 p. 115 Notification bill

By Mr. Langford:

H. 540 p. 80 Surveyors

By Mr. Owens:

H. 215 p. 5 State Personnel Board

MOTION TO ADOPT

Rep. Casey offered the motion to adopt the resolution, H. R. 250.

SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the resolution, H. R. 250:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business beginning June 9, 1983, taking precedence over any other business of the House.

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And the Following Bills:

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By Mr. Turnham:

H. 233 p. 80 Certificate title bill

By Mr. Adams:

H. 227 p. 72 Prison reimbursement

By Mr. Langford:

H. 540 p. 80 Surveyors

By Mr. Owens:

H. 215 p. 5 State Personnel Board

SUBSTITUTE TABLED

On motion of Rep. Harvey, the substitute offered by Rep. Sasser to the resolution, H. R. 250, was tabled.

Yeas 49; Nays 24.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Flowers, Goodwin, Hall, Hammett, Harvey, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Melton, Mitchell, Moore, Newman, Parker, Poole, Rains, Rogers, Smith, Stout, Thomas, Trammell, Tucker, Venable and Warren.

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Nays:

Reps.: Blakeney, Brooks, Butler, Carter, Freeman, Gaston, Grimsley, Harper, Kvalheim, Lewis, McKee, McMillan, Minus, Murphy, Payne, Penry, Sasser, Scott, Waggoner, White (L), Williams, Wilson, Wright and Zoghby.

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BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the house with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 236. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 373. (With Substitute) (With Amendment): To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to wit:

H. 380. (With Substitute) (With Amendment): To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 152. (With Substitute): To amend Sections 26-10-4 and 26-10-5, Code of Alabama 1975, relating to adoptions, so as to provide that an adult adoptee shall be permitted to view adoption records only after receiving a court order permitting such viewing.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 624. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled

substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

H. 325. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

H. 627. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further refine the term "rule."

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 27. (With Amendment): To exempt all persons employed in public schools from liability for certain communications concerning the suspected use, possession, sale or furnishing of any controlled substance by any student, to the student's parents, law enforcement officers or health care providers.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 283. (With Substitute): To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments

of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 268. To provide that the Alabama Supreme Court shall adopt, promulgate and publish a rule or rules of court regarding the State of Alabama's right to appeal in all criminal cases involving violations of this state's criminal laws; to further provide for jurisdiction in such appeals.

H. 478. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 618. (With Amendment): To provide that unless fully paid, each convicted felon ordered by a court to pay restitution acknowledge, execute and file a written statement of assets and income; to provide that a form for such purposes shall be devised, adopted, prescribed and distributed by the Administrative Office of Courts; to provide that such statement be filed with the Clerk of the Court wherein such restitution order was issued and annually thereafter unless restitution is fully paid; to provide courts with contempt powers to compel filing and disclosure; to create criminal offenses and penalties for the willful, intentional failure to file or disclose assets or income with the intent to evade or avoid disclosure in such statement and for the conveyance, assignment or other transfer of assets or income to evade or avoid filing or disclosure; to provide that the Director of Department of Corrections and the Board of Pardons and Paroles may promulgate rules and regulations to ensure compliance by affected convicts; to provide courts with the power to void or set aside any such conveyance, assignment or transfer; to provide for the effective date of this Act to be ninety (90) days from the date of its passage and approval of the Governor or otherwise becoming law.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 691. (With Amendment): To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 537. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 235. (With Substitute) (With Amendment): To regulate the employment, service, disciplining and dismissal of deputies sheriff in the several counties; to place certain additional duties on the state personnel department; and to provide for the reimbursement by the counties to the state personnel department of the costs of providing such services and facilities.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 715. To amend Section 16-3-1, Code of Alabama 1975, relating to the composition, election and term of office of members of the state board of education, so as to provide further for such election, based on the 1980 census.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 716. To amend Section 34-24-70, Code of Alabama, 1975, as

amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept the Federation Licensing Examination for certain categories of applicants for certificates of qualification.

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

H. 722. To provide for an advisory council to the designated state health planning and development agency; to specify the number and manner of selection of the members of the council; to provide for per diem and reimbursement for allowable expenses for the members of the council and special task forces; to specify the manner of selection of the chairman of the council; to provide for the appointment of special task forces to perform designated functions; to specify the frequency of the meetings of the council and to specify the number of members constituting a quorum for the transaction of business; to specify that the state health planning and development agency shall serve as the designated agency for the purpose of Section 1122 of the Social Security Act; to provide for the adoption, revision, etc., of rules, regulations, standards, etc. by the state health planning and development agency and appeals therefrom; to provide that the provisions of the Act are severable; to repeal stated portions of the Code of Alabama, 1975; to provide for the effective date of the Act.

H. 481. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 718. To amend Title 1, Section 3, Subsection 4 of the Code of Alabama, 1975 so as to change the fiscal year for the state and its departments, institutions, bureaus, boards, and commissions.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 575. (With Amendment): To amend Section 25-5-50, Code of Ala-

bama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 509. (With Substitute): To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

Rep. Laird, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 665. (With Amendment): To establish the Alabama Small Business Assistance Corporation, to provide that its purposes include the protection and enhancement of employment opportunities in Alabama through providing low interest financing for small businesses, to define terms, to provide that the Corporation may borrow money to finance its purposes, to provide that the Governor, the Director of Finance, the State Treasurer and the Chairman of the Small Business Advisory Council may become a public corporation through filing of a certificate of incorporation with the Secretary of State of the State of Alabama, to provide that the Corporation may determine qualifications necessary for making loans to qualifying small businesses, to provide that the Corporation shall within the limits set out by the Legislature determine whether businesses qualify hereunder, to provide an effective date and to repeal all laws not consistent with this Act.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

S. 320. Relating to Escambia County; repealing Act. No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

S. 428. Relating to Morgan County; to repeal Act. No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

Rep. Turner, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 676. (With Amendment): Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

Also:

S. 354. To alter or rearrange the boundary of the Town or Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. R. 250 RESUMED

The question was then on the motion by Rep. Casey to adopt the resolution, H. R. 250 and the resolution was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 237. RELATIVE TO LEGISLATIVE MEETING DATES: TUESDAY JUNE 7, 1983 AND THURSDAY, JUNE 9, 1983.

And Finds Same Correctly Enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately

after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Junkins, Coleman, Albright, Brooks, Johnson (A. L.), Laird, Wilson, Browder, Thornton, Mathis, Campbell and Lewis:

H. 724. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

State Administration.

By Rep. White (L) (With Notice and Proof):

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 725, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Laird:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond issue is retired.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Layton:

H. 727. To amend Section 16-60-86, Code of Alabama 1975, relating to

the membership of the Alabama Trade School and Junior College Authority and its board, so as to add the chief executive officer of postsecondary education and the executive officer of the Alabama Commission on Higher Education.

Ways and Means.

By Reps. Johnson (R. G.) and Carothers:

H. 728. Relating to the preservation and protection of the public health by controlling those factors of the environment which adversely affect the health and well-being of the human population; providing for the registration of sanitarians and sanitarians-in-training in both the public and private sector; providing for the establishment of a board of registration and prescribing its authorities, responsibilities, and functions dealing with qualifications; appointment, removal, compensation, and expenses of members thereof; providing for qualifications, examination and registration of sanitarians and sanitarians-in-training; for denial, issuance, renewal, suspension, revocation and reinstatement of certificates of registration; fixing fees; providing for expenditure of funds collected under the provisions of this act; fixing purposes for which such funds may be used; providing for reciprocity, use of title; and providing a penalty for violation of this act.

In adopting this act, the legislature hereby notes that the field of environmental health is continually evolving into new and complex areas of endeavor. The legislature also recognizes the existence of overlapping functions of certain professions licensed to carry out specific activities which touch many aspects of the field of environmental health. It is not the intent of this act to require persons holding valid licenses in other profession and fields to be registered pursuant to this act. It is the sole purpose and intent of this act to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register only those environmental health professionals who have completed an approved environmental health or science curriculum and are qualified and want to work or are actually working within the scope of the practice of environmental sanitation as defined by this act.

Health.

By Rep. Harvey (With Notice and Proof):

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 729, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Casey:

H. 730. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments

so as to provide for interest on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Health.

By Reps. Harper and McMillan:

H. 731. To empower the county governing bodies of the several coastal counties of this state which border on the Gulf of Mexico with certain land use planning and zoning authority in unincorporated areas of such counties which qualify as resort areas under Section 11-88-40 of the Code of Alabama 1975.

Local Government.

By Reps. Lewis, Waggoner, Wright, Layton and Trammel (With Notice and Proof):

H. 732. Relating to Jefferson County; providing that the county commission shall have the authority, after notice as provided, to declare noxious or dangerous weeds growing upon the sidewalks or private property within the county and outside the corporate limits of any municipality within the county to be a public nuisance, and creating a lien upon the property fronting upon such sidewalks or upon which such nuisance exists for the cost of abating the same.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 732, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed (With Notice and Proof):

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 733, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Reed:

H. 734. To exempt veterans confined to Veterans Administration Hospitals and rehabilitation centers from the requirement of possessing a fishing license or paying a fee when fishing in public waters of the state.

Natural Resources.

By Rep. Grouby:

H. 735. To amend Section 36-25-4 of the Code of Alabama, 1975, relating to powers and duties of the state ethics commission so as to remove the prohibition against investigating anonymous complaints and certain other complaints; prohibits witnesses, complainants or informants from making public statements until an investigation is complete; and grants subpoena power to the commission.

State Administration.

By. Rep. Grouby:

H. 736. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of $1,000 for failure to file the appropriate disclosure statement.

State Administration.

By Rep. Grouby:

H. 737. To amend the Code of Alabama, 1975, Section 36-25-14, so as to require additional information regarding financial disclosure from certain public officials and employees.

State Administration.

By Rep. Grouby:

H. 738. To amend Code of Alabama, 1975, Section 36-25-15, so as to require financial disclosure from candidates for all elective public office and nominees for appointive public office other than board members.

State Administration.

By Rep. Grouby:

H. 739. To amend Code of Alabama, Section 36-25-1, so as to delete the definition of "Legislative Employee;" add the definition of "Statement of Economic Interests;" redefine "Public Employee" and "Public Official;" and include additional information regarding financial disclosure by certain public officials and employees and candidates for public office as shown in Sections 36-25-14 and 15, Code of Alabama, 1975.

State Administration.

By Rep. Grouby:

H. 740. To amend the Code of Alabama, 1975, Section 36-25-14, so as to require additional information regarding financial disclosure from certain public officials and employees.

State Administration.

By Reps. Hettinger and Albright:

H. 741. To reverse the numbers of House Districts 21 and 20 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session, 1983, approved February 23, 1983.

Local Government.

By Rep. Turnham:

H. 742. To amend Section 2 of Act No. 83-161 of the 1983 Second

Special Session so as to carry over Board of Heating and Air Conditioning Contractors funds into subsequent state fiscal years.

Ways and Means.

By Rep. Langford:

H. 743. To amend Section 32-8-48 and Section 32-8-87 of the Code of Alabama 1975, by requiring the owner of a scrapped, dismanteled or destroyed vehicle to destroy the license plate and give a statement to the Department of Revenue on a form prescribed by the Department that the license plate has been destroyed.

Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Gaston:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary on June 24, 1983, of Mr. and Mrs. Harvey Wilson Webster, Sr., of Mobile, Alabama; and

WHEREAS, Mr. Webster and his lovely bride Miss Ruth Gardiner were united in marriage on June 24, 1933, at the First Baptist Church in Gainsville, Florida, and have remained in said holy state for the past 50 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example to others; and

WHEREAS, Mr. and Mrs. Webster are the parents of two children—a son, Harvey Wilson Webster, Jr., and a daughter, Sally Webster Catlin; who, along with other family and friends, will join Mr. and Mrs. Webster at a dinner and reception to be held in their honor on June 25, 1983, in celebration of this joyous occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we too join in congratulating this exemplary Mobile County couple, Mr. and Mrs. Harvey Wilson Webster, Sr., and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Webster that they may know of our congratulations and sincere best wishes for every future happiness together.

On motion of Rep. Gaston, the rules were suspended and the resolution H. J. R. 251, was adopted.

Also:

By Rep. Gaston:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

WHEREAS, Mr. Charles Jackson Grande and his wife, Mrs. Lynette

Smith Grande, of Mobile, Alabama, have recently completed a tenure as co-presidents of the John Will PTA; and

WHEREAS, during Mr. and Mrs. Grande's year of service in PTA leadership, the organization received the state award for outstanding PTA programs during the 1982-1983 school year, as well as the Mobile County Council PTA first-place award for its scrapbook; and

WHEREAS, it is further to be noted that the John Will PTA sponsored, in 1982, a general election political forum for all candidates within the school's attendance zone and, additionally, raised approximately $16,000 for school use; and

WHEREAS, Mr. and Mrs. Grande, as co-leaders, also played an instrumental role in the PTA's assistance to the school staff in an effort to gain accreditation by the Southern Association of Colleges and Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Charles Jackson Grande and Mrs. Lynette Smith Grande for outstanding service and accomplishment as co-presidents of the 1982-1983 John Will PTA.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Gande receive a copy of this resolution that they and their children, Kayra Lynne and Charles Randall, may be aware of our sincere warm praise and of our deep appreciation for their dedicated leadership of the John Will PTA.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 252, was adopted.

Also:

By Rep. Gaston:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of achievement, the Alabama Legislature today notes the many outstanding athletic and academic accomplishments of Royce Ray, III, of Mobile, Alabama; and

WHEREAS, a recent graduate, Class of 1983, of Shaw High School, Mr. Ray, in tennis rankings, is number one in boy's 18 singles, and is the Alabama High School Athletic Association's Class 4A Number One Singles Champion; and

WHEREAS, not only is he the first to be ranked number on in boy's singles play for two consecutive years, but also is currently ranked number 27 (singles) in the south and number 13 in boy's 18 doubles in the south; and

WHEREAS, further, at Shaw High School, Royce Ray was president of the senior class, a member of the National Honor Society, the winner of the Group W Cable-Lou Brock Scholarship Award, and a member of his school's district-winning Scholar Bowl Team; and

WHEREAS, he also was a four-year honor roll student at Shaw and was a selection for First Southern Federal's Senior of the Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we herein most highly commend Royce Ray, III, of Mobile, Alabama, for outstanding athletic and academic achievement, and direct that he receive a copy of this resolution in expression of our sincere admiration and esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution H. J. R. 253, was adopted.

H. 45 TEMPORARILY POSTPONED

On motion of Rep. Harper the bill, H. 45, was temporarily postponed.

BILLS ON THIRD READING

And the bill:

H. 293. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Brooks, Coleman, Davis, Gaston, Hammett, Harvey, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale, Layton, Manley, Melton, Newman, Poole, Reed, Rogers, Scott, Starkey, Venable and Waggoner.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Zoghby, the bill, H. 424 was temporarily postponed.

And the bill:

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Butler, Campbell, Carter, Coleman, Cosby, Faulk, Freeman, Gaston, Hammett, Harvey, Hettinger, Holmes, Horn, Johnson (Roy), Junkins, Lauderdale,

Manley, Mathis, Newman, Parker, Poole, Rogers, Scott, Starkey, Venable and Wright.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Buskey, Campbell, Carter, Coleman, Cosby, Faulk, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holmes, Johnson (Roy), Junkins, Layton, Manley, Mathis, Minus, Newman, Parker, Poole, Seibels, Starkey, Venable, White (F) Wilson and Wright.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Bryant, Buskey, Butler, Carter, Coleman, Cosby, Drinkard, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holmes, Johnson (Roy), Junkins, Lauderdale, Layton, Manley, Mathis, Newman, Parker, Poole, Sasser, Scott, Seibels, Starkey, Venable, Wilson and Wright.

—38

Nay: Rep. Reed —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Was taken up.

AMENDMENT OFFERED

Rep. Dutton offered the following amendment to the bill, H. 689:

In Section 1, page 2, in subsection D of the quoted Section 1, on line 19, after the comma insert the following:

and after deductions are made pursuant to subsections A, B, and C hereof,

And the amendment was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Brakefield, Brooks, Bryant, Butler, Carter, Coleman, Cosby, Drinkard, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Holmes, Horn, Johnson (Roy), Junkins, Langford, Lauderdale, Layton, Melton, Minus, Newman, Parker, Poole, Preuitt, Reed, Scott, Seibels, Starkey, Venable, Wilson and Wright.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 689, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Brakefield, Brooks, Butler, Carter, Coleman, Cosby, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Horn, Johnson (Roy), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Manley, Newman, Parker, Poole, Preuitt, Rains, Reed, Scott, Smith, Starkey, Stout, Thomas, Venable, Wilson and Wright.

—39

Nay: Rep. Drinkard —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 692. To authorize the establishment of branch banks in Clarke

County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Brooks, Buskey, Butler, Carter, Coburn, Coleman, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hammett, Harvey, Hettinger, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Mathis, Minus, Newman, Parker, Poole, Preuitt, Reed, Scott, Seibels, Starkey, Stout, Thomas, Trammell, Turner, Venable, White (L), Wilson and Wright.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded to the consideration of the bills on the Special Order Calendar.

And the bill:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of $.50 per active service line per year for each active service line in said system.

As thus amended by the amendment reported by the Standing Committee on Ways and Means on the fourteenth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 9.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Freeman, Goodwin, Grimsley, Hall, Hammett, Harvey, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Poole, Preuitt, Rice, Rogers, Sasser, Smith, Stout, Thornton, Trammell, Tucker, Turner, Venable, White (F), White (L), Williams, Wright and Zoghby.

—70

Nays:

Reps.: Gaston, Holmes, Johnson (R. G.), Kvalheim, Rains, Scott, Seibels,

Warren and Wilson.

—9

CO-SPONSOR ADDED

Rep. Bennett was added as a co-sponsor to the bill, H. 55.

And the bill:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thornton, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

And the bill:

H. 297. (With Substitute) (With Amendment): To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution.

To further provide that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense.

To further provide that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill.

To further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further provide for criminal procedure; to provide that the victim in any criminal case is entitled to be present throughout the trial proceedings; to prescribe the seating of such victim; to provide that in criminal homicide cases a designated relative or family member is entitled to be present throughout the trial, at the option of the family; and to prescribe the seating of such family member; and to provide that any such victim or his designee shall not be subject to any exclusion ruling.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, rule, or regulation to the contrary notwithstanding, the victim in any criminal case is entitled, upon request, to be in attendance throughout the trial. Such victim shall be provided space at the table of the district attorney or any prosecutor representing the State.

Section 2. Any law, rule, or regulation to the contrary notwithstanding, in any case involving criminal homicide, a designated relative or family member of the victim, at the option of the family, is entitled to be in attendance throughout the trial. Such person shall be provided space at the table of the district attorney or any prosecutor representing the State.

Section 3. Any victim or relative or family member of the victim, provided for in Sections 1 and 2 of this Act, shall not be subject to exclusion as a witness or otherwise.

Section 4. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. All laws or parts of laws that conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 79; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith Starkey, Turner, Venable, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—79

Nay: Rep. Manley. —1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Flowers offered the motion to

reconsider the vote by which the substitute reported by the Standing Committee on Judiciary to the bill, H. 297 was passed, and the motion to reconsider was adopted.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Stout, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—80

SUBSTITUTE OFFERED

Rep. Flowers offered the following substitute to the bill, H. 297 as amended:

A BILL
TO BE ENTITLED
AN ACT

To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as and may be cited as "The Alabama Crime Victims' Court Attendance Act."

Section 2. (a) The Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense be afforded a reasonable opportunity to attend any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense. (b) Further, the Legislature hereby finds and determines that it is essential to the fair and impartial administration of justice that a victim of a criminal offense not be excluded from any hearing or trial or any portion thereof conducted by any court which in any way pertains to such offense, merely because the victim has been or may be subpoenaed to testify at such hearing or trial or because of any arbitrary or invidi-

ous reason. (c) The provisions of this Act are to be construed so as to accomplish these purposes and to promote the same which are hereby declared to be the public policy of this state.

Section 3. Unless the context clearly requires otherwise or unless different meanings are expressly specified in subsequent provisions of this Act, wherever used in this Act, in the singular or plural case, the term:

(a) a "person" shall mean:

(1) a human being

(2) a public or private corporation, an unincorporated association, a partnership, or other entity established by law

(3) a government or a governmental instrumentality, including, but not limited to, the State of Alabama or any political subdivision thereof

(b) "criminal offense" shall mean:

(1) conduct which is alleged in any summons, complaint, warrant of arrest, information, presentment, or indictment and for which a sentence to a term of imprisonment, or the death penalty, or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state.

(c) "victim" shall mean:

(1) a person who is a victim of the defendant's criminal offense.

Section 4. The victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government or other persons in whose name such prosecution is brought.

Section 5. A victim of a criminal offense shall not be excluded from court or counsel table during the trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense, provided, however, a judge may remove a victim from the trial or hearing or any portion thereof for the same causes and in same manner as the rules of court or law provides for the exclusion or removal of the defendant.

Section 6. A victim of a criminal offense shall be exempt from the operation of rule of court, regulation, or statute or other law requiring the separation or exclusion of witnesses from court in criminal trials or hearings.

Section 7. (a) Whenever a victim is unable to attend such trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted to the victim, pursuant to the provisions of this Act. (b) Provided, however, in the event of a dispute, the court in its discretion may designate such representative.

Section 8. The failure of a victim or a person designated to represent the victim to exercise any right granted by the provisions of this Act shall not be cause or ground for an appeal of a conviction by a defendant or for any court to set aside, reverse or remand a criminal conviction.

Section 9. The provisions of this Act are severable. If any part of the

Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. Flowers, the motion offered by Rep. Manley to temporarily postpone the bill, H. 297, was tabled.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Ashley, Blakeney, Bowling, Brakefield, Browder, Bryant, Butler, Carter, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Martin, Melton, Mitchell, Murphy, Newman, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Seibels, Smith, Stout, Trammell, Venable, Waggoner, Warren, White (F), White (L) and Wilson.

—53

Nays:

Reps.: Buskey, Campbell, Carothers, Casey, Clark, Holmes, Johnson (A. L.), Langford, Lewis, McMillan, Manley, Mathis, Nicholson, Owens, Scott, Starkey, Thomas, Thornton and Wright.

—19

The question then was on the adoption of the substitute offered by Rep. Flowers to the bill, H. 297 as amended.

MOTION TO TABLE LOST

Rep. Manley offered the motion to table the substitute offered by Rep. Flowers to the bill, H. 297 as amended, and the motion was lost.

Yeas 14; Nays 64.

Yeas:

Reps.: Bryant, Buskey, Campbell, Clark, Hall, Holmes, Langford, Lewis, McMillan, Manley, Rogers, Scott, Thomas and Turnham.

—14

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rice, Seibels, Smith, Starkey, Stout, Venable, Warren, White (F), White (L), Wilson and Wright.

—64

SUBSTITUTE ADOPTED

The question was then on the substitute offered by Rep. Flowers to the bill, H. 297 as amended, and the substitute was adopted.

Yeas 77; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Scott, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

Nays:

Reps.: Bryant, Buskey, Campbell, Holmes and Langford.

—5

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 297 as amended:

Amend H.B. 297 on page 2, Section 2, line 20 by adding the following:

(d) Provided further, however, that if the victim is a witness for the trial then the victim shall be required to be the State's first witness.

AMENDMENT TABLED

On motion of Rep. Flowers, the amendment offered by Rep. Brooks to the bill, H. 297 as amended, was tabled.

Yeas 60; Nays 14.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Clark, Clikas, Coburn, Cosby, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Moore, Newman, Owens, Penry, Poole, Rains, Rice, Sasser, Seibels, Smith, Starkey, Trammell, Venable, Warren, White (F), White (L), Williams, Wilson and Wright.

—60

Nays:

Rep.: Brooks, Bryant, Buskey, Casey, Coleman, Holmes, Howard, Langford, Nicholson, Parker, Scott, Stout, Thomas and Tucker.

—14

And the bill:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 5.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

Nays:

Rep.: Bryant, Buskey, Holmes, Langford and Manley.

—5

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 297:

Mr. Speaker, Bennett, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Butler, Carter, Clikas, Coleman, Cosby, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Melton, Minus, Mitchell, Moore, Murphy, Newman, Parker, Payne, Penry, Poole, Preuitt, Rains, Sasser, Scott, Seibels, Smith, Venable, Warren, White (F), White (L), Wilson and Wright.

And the bill:

H. 246. To provide that a Restitution Order in a criminal case is a Final Judgement and has the same force and effect as a Final Judgement in

a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have the same rights and remedies given to a plaintiff in a civil action pursuant to Title 6, Chapter 6 of the Code of Alabama, 1975, as well as any other right pertaining to such restitution order or the enforcement or collection thereof, as may be provided by law.

Was taken up.

SUBSTITUTE OFFERED

Rep. Casey offered the following substitute to the bill, H. 246:

A BILL
TO BE ENTITLED
AN ACT

To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A Restitution Order in a criminal case shall be a final judgment and have all the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama. (b) The victim on whose behalf restitution is ordered, the executor or administrator of the victim's estate, or anyone else acting on behalf of the victim, shall be entitled to all the rights and remedies to which a plaintiff would be entitled in a civil action under the laws of this state as well as any other right or remedy pertaining to such restitution order as may be provided by law.

Section 2. (a) The provisions of this Act shall be read and deemed in pari materia with other provisions of law. (b) Provided however, the provisions of this Act are cumulative and shall not be construed so as to deprive any victim of any other remedy or relief to which a victim may now or hereafter be entitled pursuant to law.

Section 3. The provisions of this Act are not severable. If any portion of this Act shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Act.

Section 4. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin,

Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Rogers, Scott, Seibels, Smith, Starkey, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—81

And the bill:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 246:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Payne, Penry, Poole, Preuitt, Rains, Rice, Seibels, Smith, Trammell, Tucker, Turner, Venable, Warren, White (L), Williams, Wilson, Wright and Zoghby.

And the bill:

H. 249. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, and provides that the board of pardons and paroles shall have no power to grant a pardon or restore civil and political rights until all court-ordered restitution has been made.

Was taken up.

SUBSTITUTE OFFERED

Rep. Casey offered the following substitute to the bill, H. 249:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 15-22-36 of the Code of Alabama 1975, as amended, which relates to the authority to grant pardons and paroles, so as to provide that the Board of Pardons and Paroles shall have no power to grant a pardon or restore civil and political rights unless all court-ordered restitution has been made.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15-22-36 of the Code of Alabama 1975, as amended, is hereby amended to read as follows;

"§15-22-36.

(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the board of pardons and paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.

(b) Each member of the board of pardons and paroles favoring a pardon, parole, remission of a fine or forfeiture or restoration of civil and political rights shall enter in the file his reasons in detail, which entry and the order shall be public records, but all other portions of the file shall be privileged.

(c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon; and no pardon shall be granted unless the prisoner has unsuccessfully completed at least three years of permanent parole or until the expiration of his sentence if his sentence was for less than three years, except upon the unanimous affirmative vote of the board following receipt and filing of clear proof of his innocence of the crime for which he was convicted and the written approval of the judge who tried his case or district attorney or with the written approval of a circuit judge in the circuit where he was convicted if the judge who tried his case is dead or no longer serving.

(d) The board of pardons and paroles shall have no power to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights until 30 days' written notice that the prisoner is being considered therefor has been given by the board to the judge and the district attorney who tried the subject's case; provided, however, that if they are dead or not serving, such notice shall be given to the district attorney and one of the judges of the circuit in which the subject was convicted.

(e) The board of pardons and paroles shall have no power to grant a pardon or restore civil and political rights unless all court-ordered restitution has been made."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—77

And the bill:

H. 249. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, which relates to the authority to grant pardons and paroles, so as to provide that the Board of Pardons and Paroles shall have no power to grant a pardon or restore civil and political rights unless all court-ordered restitution has been made.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, hall, Hammett, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—87

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 249:

Mr. Speaker, Ashley, Bennett, Blakeney, Bowling, Brakefield, Browder, Butler, Clikas, Coleman, Cosby, Dutton, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Seibels, Smith, Trammell, Turner, Venable, Waggoner, Warren, Wilson, Wright and Zoghby.

And the bill:

H. 298. (With Substitute): To amend Section 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing live imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1975, §15-22-27 is hereby amended to read as follows:

(a) The Governor may commute any death sentence to life imprisonment without parole.

~~(a)~~(b) Any person whose sentence to death has been commuted by the governor to life imprisonment without parole shall not thereafter be eligible for a pardon unless sufficient evidence is presented to the board of pardons and paroles to satisfy it that such person was innocent of the crime for which he was convicted, the board votes unanimously to grant such person a pardon, and the governor concurs in and approves the granting of the pardon.

~~(b)~~(c) Any person whose sentence to death has been commuted by the governor to life imprisonment without parole shall not be eligible for a parole for any reason, ~~from the board of pardons and paroles until he shall have served at least 15 years of such life sentence~~, and any parole granted contrary to the provisions of this subsection shall be void.

~~(c)~~(d) This section shall not be construed to deny any person whose sentence of death has been commuted to life imprisonment without parole the right to apply to the courts of this state for such remedy as such person is entitled to under the laws of Alabama.

Section 2. The amendments to §15-22-27 provided in section 1 of this Act shall apply to all commutations granted after the effective date of this Act to persons sentenced under a statute that provided life imprisonment without parole as an alternative punishment for the capital offense. All commutations granted after the effective date of this Act to persons sentenced under a statute that provided life imprisonment with parole eligibility as an alternative punishment for the capital offense shall be governed by §15-22-27 as it existed prior to the effective date of this Act.

Section 3. If the Governor commutes or attempts to commute any death sentence to life imprisonment without parole, and the parole ineligi-

bility provision of that commutation is declared unconstitutional, invalid, or ineffective for any reason, the entire commutation shall be void and the death sentence shall be reinstituted as a matter of law.

Section 4. The provisions of this Act are severable. If any part of this Act is declared to be unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 5. This Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Dutton, Faulk, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—83

And the bill:

H. 298. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

As thus amended, was read a third time at length and passed, and order sent forthwith to the Senate without engrossment.

Yeas 85; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Dutton, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—85

Nays: Reps. Horn and Rogers. —2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 298:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Butler, Clikas, Coleman, Cosby, Dutton, Faulk, Freeman, Gaston, Grimsley, Hall, Hammett, Harper, Harvey, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, Martin, Mathis, Melton, Minus, Moore, Newman, Nicholson, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Sasser, Seibels, Smith, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

And the bill:

H. 79. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins,Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rains, Rice, Sasser, Scott, Seibels, Smith, Starkey, Stout, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—87

Nays: Reps. Horn and Rogers. —2

And the bill:

H. 163. (With Substitute) (With Amendments); to provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be

offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance, and to provide that the plan established herein or the administrator of such plan shall be entitled to any discounts, reimbursements, or charge adjustments offered to any other health care service plan by any health care service facility doing business in Alabama.

Was taken up.

SUBSTITUTE OFFERED

Rep. Drinkard offered the following substitute to the substitute and amendments reported by the Standing Committee on Ways and Means, to the bill, H. 163:

A BILL
TO BE ENTITLED
AN ACT

To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement system may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Be It Enacted by the Legislature of Alabama.

Section 1. When used in this act, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) Employee—any person who is employed full-time in any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14 exclusively, under the auspices of the state board of education; provided, any person employed part-time by any public institution of education within the state of Alabama which provides instruction at any combination of grades K through 14 exclusively, under the auspices of the state board of education, shall be included in the definition of employee if such person shall agree to have deducted from his compensation a pro rata portion of the premium cost of a full-time employee, based on the percentage of time such person is employed, in accordance with such rules and regulations as shall be adopted by the board;

(2) Retired Employee—any person receiving a monthly benefit from the teachers' retirement system, who at the time of his retirement was employed by a public institution of education within the state of Alabama which provided instruction at any combination of grades K through 14, exclusively, under the auspices of the state board of education;

(3) Board—the public education employees' health insurance board.

Section 2. (1) The public education employees' health insurance board shall consist of the members of the board of control of the teachers' retirement system of Alabama;

(2) Board members shall serve without compensation for their services as board members, but shall be reimbursed from the fund established in subsection (6) of Section 7 for all necessary expenses that they may incur through service on the board;

(3) Each board member shall, within ten days after his appointment or election to the board of control of the teachers' retirement system, take an oath of office that, so far as it devolves on him, he will diligently and honestly administer the affairs of the board herein established, and that he will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to the public employees' health insurance plan. Such oath shall be subscribed to by the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the secretary of state;

(4) Each board member shall be entitled to one vote in matters concerning the board. Six votes shall be necessary for a decision at any meeting of said board. In case of a tie vote, the decision shall fail;

(5) The chairman and vice chairman of the board shall be the chairman and vice chairman of the teachers' retirement system board of control. The secretary-treasurer of the teachers' retirement system shall serve as chief executive officer of the public education employees' health insurance plan. In addition thereto, the board may engage each acturial, administrative, legal, and other special services as shall be deemed necessary to transact the business of the insurance plan. The compensation and expenses for these special services shall be paid at such rates and in such amounts as the board shall approve. All other employees not in these categories of employment shall be employed under the provisions of the merit system act;

(6) The board shall keep in convenient form such data as shall be necessary for acturial valuation of the funds of the insurance plan and for checking the experience of the plan.

Section 3. The public employees' health insurance board, its members, agents, and employees, shall be absolutely immune from judgment for punitive damages arising from the administration of the health insurance plan provided for in this act and such members, agents and employees shall be individually immune from judgment for other civil damages for actions taken or not taken in the good faith performance of their official duties.

Section 4. The health insurance plan provided for in this act shall be designed by the board to provide a reasonable relationship between the hospital, surgical, and medical benefits to be included and the expected hospital, surgical, and medical expenses to be incurred by the affected employee and dependents and to include reasonable controls, which may include deductible and coinsurance provisions applicable to some or all of the benefits; to prevent unnecessary utilization of the various hospital, surgical, and medical services available and to provide reasonable assurance of stability in future years for the plan.

Section 5. (1) The board is hereby empowered and authorized to establish a health insurance plan for employees and, under certain conditions, retired employees and to adopt and promulgate rules and regulations for the administration of such plan subject to such limitations as may be contained in this act. Such plan may provide for group hospitilization, surgical,

medical, cancer, cash indemnity, and dental insurance against the financial costs of hospitalization, surgical, and medical treatment and care and may also include, among other things, prescribed drugs, medicines, prosthetic appliances, hospital inpatient and outpatient service benefits, and hospital/medical expenses indemnity benefits, including major medical benefits or such other coverage or benefits as may be deemed appropriate and desirable by the board, within the limits of such funds as may be available;

(2) Any member employee or, under certain conditions, retired employee may elect an optional coverage provided by the board which shall include but is not limited to dental, cancer, or indemnity benefits. Such election shall be in accordance with the rules and regulations and at such time as the board shall prescribe. Election of an optional coverage shall be in lieu of coverage under the basic medical plan, provided any individual covered under the basic medical plan may elect an optional coverage upon agreeing to pay the costs of such coverage. Any member employee or retired employee who does not elect an optional coverage shall be deemed as a matter of law to have elected basic medical coverage.

Section 6. Such health insurance shall not include the following:

(1) Expenses incurred by or on account of an individual prior to the effective date of the plan as to him;

(2) Hearing aids and examinations for the prescription or fitting thereof;

(3) Cosmetic surgery or treatment, except to the extent necessary for correction of damage caused by accidental injury while covered by the plan or as a direct result of disease covered by the plan;

(4) Services received in a hospital owned or operated by the United States government for which no charge is made;

(5) Services received for injury or sickness due to war or any act of war, whether declared or undeclared, which war or act of war shall have occurred after the effective date of this plan;

(6) Expenses for which the individual is not required to make payment;

(7) Expenses to the extent of benefits provided under any employer group plan other than this plan in which the state participates in the cost thereof;

(8) Such other expenses as may be excluded by regulations of the board; and

(9) Coordination of benefit of basic hospital/medical coverage provided herein and any supplemental hospital indemnity, cancer or dental coverage provided herein under the provisions of this act or as may privately be purchased by any employee.

Section 7. (1) The board is hereby authorized to execute a contract or contracts to provide for the benefits or the administration of benefits under the plan of health insurance coverage determined upon in accordance with the provisions of this act. Such contract or contracts may be executed with one or more agencies or corporations licensed to transact group health insurance business in this state. All of the benefits to be provided under this act may be included in one or more similar contracts issued by the same or different companies. The board is further authorized to develop a plan whereby it may become self-insured upon its finding that such arrangement

would be financially advantageous to the state and plan participants;

(2) Before entering into any contract authorized by subsection (1) of this section, said board shall invite competitive bids from all qualified insurors who may wish to offer plans for the health insurance coverage or the administrative services desired. The board shall award such contract on a competitive basis as determined by the benefits afforded, the costs to be incurred by both employee and employer, the experience of the offering company or agency in the group health insurance field and its facilities for the handling of claims. In evaluating these factors the board may employ the services of impartial professional insurance analysts or actuaries;

(3) The board may authorize the carrier with whom the primary contracts are executed to reinsure portions of such contract with other such carriers which elect to be a reinsurer and who are legally qualified to enter into reinsurance agreement under the laws of this state;

(4) Each employee or retired employee who is covered by the plan provided pursuant to this act shall receive evidence of such coverage. In addition, each employee or retired employee shall receive upon request information setting forth the benefits to which the employee or retired employee and his dependents are entitled, to whom such benefits shall be payable, to whom claims shall be submitted, and a summary of the provisions of the plan as they affect the employee and his dependents;

(5) The plan shall require adequate notice in writing to any participant whose claim for benefits under the plan has been denied, setting for the specific reasons for such denial and shall afford a reasonable opportunity to any participant whose claim for benefits has been denied for a full and fair review by the claims administrator upon the written request of the participant, within 60 days of the date of denial, setting forth the specific reasons for review. The claims administrator shall provide in writing, within 60 days of the request for review, a final determination of the claim provided that an extension of 60 days may be obtained upon written notification to the participant. Review of a final decision by the claims administrator shall be by the circuit court of Montgomery county as provided for the review of contested cases under the Alabama Administrative Procedures Act, Section 41-22-20, Code of Alabama 1975.

(6) The board may at the end of any contract period discontinue any contract or contracts it has executed with any carrier and replace same with a contract or contracts with any other carrier or carriers meeting the requirements of this act.

Section 8. (1) The public education employees' health insurance board is hereby authorized to provide under the contract, contracts, or other arrangements entered into under the provisions of this act an insurance benefit plan for each covered employee and, under certain conditions, retired employees; the cost of such plan may be funded in part or in full through an annual appropriation from the Alabama special educational trust fund in the education appropriation bill and in part from other funds;

(2) On or before January 1 next preceding each regular meeting of the legislature, the board shall certify to the Governor and to the legislature the amount or amounts necessary to fund coverage for benefits authorized by this act for the following fiscal year for employees and for retired employees. Upon receipt of the recommendation from the board, the Governor may include in the education appropriation bill which is submitted to the legislature and the legislature in any subsequent education budget which may be

passed by the legislature, an amount or amounts for hospital/medical insurance which, in the judgment of the Governor and/or the legislature may be available for appropriation and which amount or amounts shall not exceed the recommendation of the board. Such annual appropriation from the Alabama special educational trust fund may provide in part or in full for the costs of administration and benefits authorized by this act. The comptroller shall deposit monthly one-twelfth of the annual amounts appropriated by the legislature beginning October 1 next following passage of the appropriation bill, with the state treasurer in the fund created herein.

(3) Any eligible retired employee may elect to participate in the plan authorized by this act provided that such retired employee shall agree to have withheld from each monthly retirement payment an amount equal to the entire cost of such coverage; provided, however, that such amount withheld shall be reduced to the extent of any amount which is appropriated by the legislature for that purpose. For those retired employees eligible for the federal medicare program the aforesaid amount to be withheld shall be an amount equal to the cost of such insurance benefit plan for coverage of a retired employee eligible to receive benefits under the federal medicare program. For those retired employees not eligible for the federal medicare program such amount to be withheld and coverage provided shall be equal to the cost of such insurance benefit plan for employees.

(4) For any fiscal year in which the Alabama special educational trust fund appropriation for hospital/medical insurance per eligible employee is less than the cost of said coverage per eligible employee, then the difference in cost per eligible employee shall be submitted for each eligible employee by the employing board, institution or agency monthly to the board, the sum of which may be any combination of employee funds collected through monthly payroll deduction and employing board, institution or agency funds; in any fiscal year in which the state appropriation for hospital/medical insurance for retired employees is less than the cost of said coverage, then the difference in cost per eligible retired employee as defined in Section 7(3) shall be withheld from the monthly retirement check of said retired employee.

(5) Each employee and retired employee shall be entitled to have his spouse and dependent children, as defined by the rules and regulations of the board, included in the coverage provided upon agreeing to pay the costs of such coverage for such dependents. The board shall adopt regulations governing the discontinuance and resumptions by such employees of coverage for dependents, and in the event of the death of an employee or retired employee, provisions whereby their spouse and dependents may elect to continue that coverage; provided, however, that the spouse and dependents shall pay the full cost of their coverage. During any period in which an employee's or retired employee's dependents are covered under this act, there shall be withheld from the salary payment of such employee or the monthly retirement allowance of such retired employee, the entire premium cost for coverage of such dependents under the terms of any contract, contracts, or arrangement entered into in accordance with the provisions of this act;

(6) There is hereby created in the state treasury a fund to be known as the public education employees' health insurance fund. Such fund shall consist of and there shall be deposited into such fund all appropriations made from the Alabama special educational trust fund, under the provisions of subsection (2) of this section and all premiums paid by employees and retired employees under the provisions of this section and any other premiums paid under the provisions of this act. The board shall designate a cus-

todian of this fund who shall be authorized to make deposits into and payments therefrom in accordance with contracts entered into by said board; in addition, any income arising from the investment or deposit of the assets of said fund shall accrue solely to the benefit of said fund.

(7) Any state appropriation from the Alabama special educational trust fund for the fiscal year ending September 30, 1984, and for each subsequent fiscal year for hospital/medical insurance for eligible employees as defined under the provisions of this act and in such amounts as to be determined by the legislature and which are made to any institution, board or agency whether heretofore or hereafter made, shall be deposited in the fund created in Section 7(6) and shall be used to fund coverage for the benefits authorized by the provisions of this act. Disbursement of such appropriations shall be in accordance with the provisions of subsection (2) of this section.

(8) Each junior and technical college under the auspices of the state board of education shall deposit monthly in the fund created by this act on account of each employee of each technical and junior college, an amount which shall be equal to the amount appropriated by the legislature per eligible employee in grades K through 12. Such amounts shall be deposited in each year during which the legislature does not appropriate the cost of coverage for such employees in an amount equal to that appropriated per eligible employee in grades K through 12.

Section 9. (1) All employees and, under certain conditions, retired employees as defined in Section 1 of this act at the time of adoption and execution by the board of a contract or other arrangement providing for group health insurance plans and who are eligible for coverage under the provisions of this act and the rules and regulations of the board adopted pursuant thereto shall be included in such coverage of the plan and shall have an option as to whether they will subscribe to such coverage for their dependents, such option to be exercised in the manner and within the time limitation prescribed by the board;

(2) All persons who become employees, as defined by the terms of this act and the rules and regulations promulgated by the board pursuant thereto, shall become eligible for membership in the group health insurance plan offered by their employing board and shall have an option as to whether they will subscribe to such coverage for their dependents; provided, that such coverage may be deferred during any reasonable waiting period provided in the contract or contracts.

Section 10. Any benefits payable under the plan adopted may be paid either directly to the attending physician, hospital, medical group, or other furnishing the service upon which the claim is based or to the insured employee upon presentation of valid bills for such services; subject to such provisions designed to facilitate payment as may be made by the board.

Section 11. Any board, agency, organization, or association which participates in the teachers' retirement system of Alabama, but whose employees are not included in the definition of employee in Section 1 of this act may, by resolution legally adopted to conform to rules prescribed by the board and upon a majority vote of its employees, elect to have its employees and under certain conditions its retired employees covered by the provisions of this act, provided such board, agency, organization, or association shall contract to pay the full cost of coverage for each such employee in the amounts set forth by the board and as defined in Section 1 for a full-time employee; participation, once elected, is irrevocable. Each retired employee

shall be given the option to participate under the provisions of Section 7(1) of this act provided any employer electing to have its employees covered by this section, shall contribute on account of each of its retired employees an amount equal to any amount appropriated by the state to fund benefits for retired employees. The board shall develop rules and regulations governing the operations of this section which shall contain but not be limited to entry and withdrawal from the plan.

Section 12. (1) Any board of education, institution, or other employer with employees as defined by Section 1 of this act, may, upon a majority vote of its employees, elect not to participate in the basic medical and/or optional coverage plan authorized by the provisions of this act; provided, however, that for any fiscal year ending September 30 the legislature appropriates the full amount certified pursuant to Section 7(2) of this act, the board shall declare the plan of insurance coverage to be fully state-funded whereupon all employees of any board of education, institution, or other employer as defined hereinabove shall for that fiscal year and all subsequent fiscal years be declared members of the public education employees' health insurance plan.

(2) Any employer electing not to participate in the basic medical and/or optional coverage plan shall certify to the board the names of their employees otherwise electing hospital/medical coverage. The board shall disburse monthly to each employer so electing, the amount appropriated per individual by the legislature so certified in accordance with such rules and regulations as the board shall adopt; such amount shall be used to purchase plan(s) as approved by election of the majority of the participating employees; provided, however, any funds not so used in the fiscal year shall revert to the fund.

(3) Once an employer has elected not to participate in the basic medical and/or optional coverage plan authorized by this act, such employer may subsequently elect, under such rules and regulations and at such times as the board shall prescribe, to participate in the basic medical plan authorized by this act; participation, once elected, is irrevocable.

Section 13. A legislative advisory committee is hereby created of three members of the house appointed by the speaker of the house and three members of the senate appointed by the lieutenant governor. The function of such committee shall be to advise the board on matters including, but not limited to, cost containment and appropriations. Members of the advisory committee shall be entitled to not more than regular interim committee compensation and shall be paid from funds appropriated to the legislature.

Section 14. All insurance companies presently providing hospital indemnity coverage, cancer insurance and dental coverage as supplemental coverage for the employees of any board of education, institution, or other employer as defined in Section 1 at the time of the effective date of this act shall have access to payroll deduction provided that at least five percent (5%) of the employees in any system or institution desire to purchase additional coverage over and beyond coverage provided under the provisions of this act.

Section 15. The public education employees' health insurance board shall promulgate such rules and regulations as may be required for the effective administration of the provisions of this act.

Section 16. The provisions of this act are severable. If any part of this

act is declared invalid or unconstitutional such declaration shall not affect any part which remains.

Section 17. All laws or parts of laws which conflict with the provisions of this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 248. SETTING LEGISLATIVE MEETING DAYS, 6/9 THROUGH 6/14.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. On June 9, 1983.

H. J. R. 237.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Harper and pursuant to the resolution, H. R. 249, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, June 14, 1983.

Yeas 45; Nays 34.

Yeas:

Reps. Adams, Ashley, Biddle, Blakeney, Bowling, Campbell, Cosby, Crow, Davis, Flowers, Freeman, Gaston, Grimsley, Hammett, Harper, Harvey, Hettinger, Johnson (R. G.), Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Nicholson, Payne, Penry, Preuitt, Rains, Reed, Rice, Rogers, Sasser, Scott, Seibels, Trammell, Turnham, Venable, White (F), White (L), Wright and Zoghby.

—45

Nays:

Mr. Speaker, Bennett, Blake, Boles, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Coleman, Drinkard, Dutton, Escott, Goodwin, Grouby, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Martin, Mitchell, Moore, Newman, Parker, Poole, Smith, Stout, Thomas and Warren.

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SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 14, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Bernard Williams, Pastor, Mt. Moriah Baptist Church, Pratt City, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

LEAVE OF ABSENCE

At the request of Rep. Carothers, leave of absence was granted for Rep. Crow.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Casey offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the sixteenth legislative day, and adopt the Report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Casey to suspend the rules in order to dispense with the reading at length of the Journal of the House for the sixteenth legislative day was lost, lacking a four-fifths vote.

Yeas 67; Nays 22.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Reed, Rogers, Sasser, Seibels, Starkey, Stout, Thomas, Thornton, Trammell, Turnham, Venable, Warren, White (F), White (L), Williams and Zoghby.

—67

Nays:

Reps. Adams, Box, Campbell, Cosby, Harper, Harvey, Johnson (A.L.), Laird, McKee, Manley, Minus, Murphy, Payne, Penry, Rains, Rice, Richardson, Scott, Smith, Starr, Wilson and Wright.

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READING OF THE JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the sixteenth legislative day, and the reading commenced.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Johnson (Roy) offered the motion to dispense with the continued reading of the Journal of the House for the sixteenth legislative day and adopt the report of the Standing Committee on Rules, and the motion was lost, lacking a four-fifths vote.

Yeas 61; Nays 16.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McMillan, Martin, Melton, Minus, Mitchell, Moore, Nevett, Newman, Parker, Poole, Preuitt, Reed, Rogers, Sasser, Starkey, Stout, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—61

Nays:

Reps. Adams, Clikas, Cosby, Gaston, Harper, McKee, Mathis, Murphy, Payne, Rains, Rice, Richardson, Scott, Smith, Waggoner and Wright.

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JOURNAL FOR THE SIXTEENTH LEGISLATIVE DAY APPROVED

On motion of Rep. Johnson (Roy), the reading at length of the Journal of the House for the sixteenth legislative day having been completed, the Report of the Standing Committee on Rules was concurred in and adopted, and the Journal of the House for the sixteenth legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 248. RELATIVE TO LEGISLATIVE MEETING DATES; THURSDAY, JUNE 9, 1983 AND TUESDAY, JUNE 14, 1983.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

Also:

H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

Also:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

Also:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

Also:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

Also:

H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

Also:

H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.

Also:

H. J. R. 230. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

Also:

H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

Also:

H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.

Also:

H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

Also:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

Also:

H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION

MARBLES TOURNAMENT.

MCDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (Roy):

H. J. R. 254. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 14, 1983, we adjourn to meet again on Thursday, June 16, 1983.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 254, was adopted.

Also:

By Rep. Johnson (Roy):

H. R. 255. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, June 14, 1983, we adjourn to meet again on Thursday, June 16, 1983, at 10:00 a.m.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. R. 255, was adopted.

Also:

By Rules Committee:

H. R. 256. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business June 14, 1983, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

And the Following Bills:

By Mr. Reed:

H. 484 p. 74 Macon County racing bill

By Mr. Albright:

H. 488 p. 91 Madison County racing bill

By Mr. Coburn:

H. 236 p. 11-S General Fund budget

By Mr. Turner:

H. 36 p. 27 Appoint hospital boards

By Mr. Manley:

H. 269 p. 22 Insanity reform

By Mr. Sasser:

H. 536 p. 115 Parole notification

By Mr. Campbell:

H. 77 p. 24 Increase penalty for escape work release

By Mr. Browder:

H. 478 p. 18-S Restitution withholding

By Mr. Browder:

H. 276 p. 4-S Limit youthful offender

By Mr. Williams:

H. 263 p. 22 Victim at youthful offender proceedings

By Mr. Albright:

H. 306 p. 25 Prostitution

By Mr. Albright:

H. 308 p. 26 Contents of indictments

By Mr. Carter:

H. 214 p. 20 Parental kidnapping

By Mr. Johnson:

H. 72 p. 119 Nursing Bill

By Mr. Manley:

H. 370 p. 35 Banking bill

By Mr. Freeman:

H. 280 p. 3 Pay lag time

By Mr. Freeman:

H. 281 p. 4 Pay periods to days

By Mr. Poole:

H. 286 p. 4 Distribution of revenues

By Mr. Poole:

H. 288 p. 54 Purchasing bid requests

By Mr. Williams:

H. 105 p. 21 Illegal food stamp bill

By Mr. Hall:

H. 498 p. 85 State-owned motor vehicles

By Mr. Holley:

H. 134 p. 51 Prisons

By Mr. Moore:

H. 495 p. 86 Printing of Acts and Journals

By Mr. Carothers:

H. 148 p. 71 Contracts less than $10,000

By Mr. Harper:

H. 68 p. 68 Oyster bill

By Mr. Holley:

H. 375 p. 41 General bonding requirements

By Mr. Holley:

H. 376 p. 41 Trip permits

By Mr. Turner:

H. 33 p. 13 Drivers license renewal

By Mr. Kennedy:

H. 133 p. 75 Telephone bill

By Mr. Williams:

H. 360 p. 109 Swine disease control

By Mr. Moore:

H. 20 p. 97 Chiropractor bill

By Mr. Turner:

H. 570 p. 98 Utility boards

By Mr. Boles:

H. 342 p. 76 Prosecution services

By Mr. Warren:

H. 561 p. 101 Property inventory

By Mr. Warren:

H. 562 p. 101 Property inventory

By Mr. Smith:

H. 387 p. 142 Notification bill

By Mr. Turnham:

H. 354 p. 77 Supernumerary, tax assessors/collectors

By Mr. Crow:

H. 301 p. 66 65 years old, fishing licenses

By Mr. Campbell:

H. 313 p. 83 Sale of abandoned motor vehicles

By Mr. Stout:

H. 94 p. 2-S Veteran funerals

By Mr. Grouby:

H. 305 p. 141 Forestry bill

By Mr. White (L):

H. 174 p. 30 Water words sewer board

By Mr. Turnham:

H. 233 p. 80 Certificate title bill

By Mr. Adams:

H. 227 p. 72 Prison reimbursement

By Mr. Langford:

H. 540 p. 80 Surveyors

By Mr. Owens:

H. 215 p. 5 State personnel board

By Mr. Langford:

H. 649 p. 5-S ASU, trustees

By Mr. Ashley:

H. 441 p. 55 Port Authority

By Mr. Turner:

H. 675 p. 8-S Co-generation bill

AMENDMENT OFFERED

Rep. McKee offered the following amendment to the resolution, H. R. 256:

Amend H. R. 256 on page 1, lines 12 and 13 by deleting both lines in their entirety.

AMENDMENT TABLED

On motion of Rep. Casey, the amendment offered by Rep. McKee to the resolution, H. R. 256, was tabled.

Yeas 45; Nays 24.

Yeas:

Mr. Speaker, Albright, Biddle, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Grimsley, Hall, Harper, Holmes, Horn, Howard, Junkins, Kennedy, Langford, McMillan, Martin, Mathis, Moore, Murphy, Newman, Nicholson, Preuitt, Reed, Rogers, Sasser, Scott, Starkey, Thomas, Trammell, Waggoner, Williams and Zoghby.

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Nays:

Reps. Adams, Bennett, Cosby, Escott, Flowers, Gaston, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Layton, McMee, Manley, Minus, Mitchell, Owens, Payne, Poole, Rains, Rice, Richardson, Smith, White (F) and Wright.

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H. R. 256 ADOPTED

On motion of Rep. Casey, the resolution H. R. 256, was adopted.

BILLS ON SECOND READING

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 264. (With Substitute) (With Amendments): To amend sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, which relate to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar to-wit:

H. 726. (With Amendment): Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond issue is retired.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 744. To amend Section 32-8-87 of the Code of Alabama 1975, relating to the motor vehicle antitheft laws, so as to correct an editorial error appearing in subsection (e) of such section by making such subsection read as it does in enrolled Act No. 765 of the 1973 Regular Legislative Session from which it was codified.

Judiciary.

By Rep. Newman (With Notice and Proof):

H. 745. Relating to Fayette County and disposal of property under the control of the county governing body; amending Section 2, Act No. 82-743, H. 24, 2nd Special Session 1982, relating to the sale or disposal of real or personal property owned by or under the control of the county commission and requiring free and open competitive bids thereon, so as to exclude those transactions involving the trade-in of old equipment on new equipment.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B 745. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Wilson (With Notice and Proof):

H. 746. To authorize and empower the governing body of the city of Montgomery, Alabama to promulgate and enforce minimum standards for the operation of veterinary clinics and animal hospitals.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Langford (With Notice and Proof):

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Reps. Holley and Mathis (With Notice and Proof):

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turnham (With Notice and Proof):

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Casey:

H. 750. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Health.

By Rep. Holley:

H. 751. To amend Section 41-9-74, Code of Alabama 1975, as amended, to include the director of the department of public safety, assistant director of the department of public safety and other officers, employees, and agents of the department of public safety.

Ways and Means.

By Rep. Coburn:

H. 752. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Ways and Means.

By Rep. Newman (With Notice and Proof):

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 753, AS REQUIRED IN THE GENERAL

ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Ford:

H. 754. To designate employees of the Department of Agriculture and Industries as "Compliance Officers" who are performing duties relating to the enforcement of those laws and regulations which protect the Alabama consumer and all other laws which the Commissioner of Agriculture and Industries is given the duty to administer and enforce; to empower these compliance officers with the powers of peace officers in the enforcement of the above laws; such officers shall be subject to the requirements of the Peace Officers Standards and Training Commission and also be entitled to the same benefits enjoyed by other State peace officers.

Ways and Means.

By Rep. Flowers (With Notice and Proof):

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Laird (With Notice and Proof):

H. 756. Relating to Chambers County; to provide that the Chambers County Commission shall appropriate certain varying sums of money from time to time to the Chambers County Board of Education in lieu of paying for utilities, janitorial costs, postage and supplies.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 756, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Sasser:

H. 757. To provide for the public health; to provide for a public corporation composed of the Governor and a Board of Trustees known as the Alabama Alcohol and Drug Abuse Board; to establish a state department of alcohol and drug abuse; to prescribe its functions, powers, and duties in relation to alcohol and drug abuse services, to include a court-referral program designed to combat Driving Under the Influence and other alcohol and drug-related crimes; to transfer the responsibility for providing alcoholism and drug abuse services from the Department of Mental Health to the Department of Alcohol and Drug Abuse; to recognize alcohol and drug ad-

diction as diseases and persons suffering from such diseases as worthy of treatment; to promote the treatment of alcoholics, alcohol abusers, and drug abusers; to promote methods of early intervention with persons suffering from alcohol or drug abuse; to promote education of the public with respect to alcohol abuse, alcoholism and drug abuse; to prescribe certain penalties and punishment; and to establish the Alabama Special Alcohol and Drug Abuse Fund composed of certain proceeds from tax on sale of alcoholic beverages, gummed cigarette papers, the proceeds of an additional tax levied hereby on the sale of alcoholic beverages and any funds appropriated by the Legislature from the State General Fund.

Ways and Means.

By Rep. Turner:

H. 758. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interest on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

State Administration.

By Rep. Mitchell:

H. 759. To repeal Sections 37-4-100 through 37-4-117, Code of Alabama 1975, which is known as the "Alabama Radio Utility Act" which granted authority to the Alabama Public Service Commission to issue certificates of public convenience and necessity to radio utility companies.

State Administration.

By Reps. Hettinger, Freeman, Hall, Albright, Butler and Brooks (With Notice and Proof):

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 760, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Hettinger:

H. 761. To amend Sections 35-8-7, 35-8-9 and 35-8-10, Code of Alabama 1975, relating to the voting rights of condominium owners, so as to

adjust said rights.

Local Government.

By Rep. Coburn:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Ways and Means.

By Rep. Reed (With Notice and Proof):

H. 763. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 763, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Carter and Butler:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

WHEREAS, Mr. George Roberts has announced his retirement as Assistant Superintendent of Education of Limestone County effective June 30, 1983, thus bringing to a close thirty-four years of distinguished service in public education; and

WHEREAS, Mr. Roberts completed studies to become a teacher and school administrator after honorably serving our nation in the armed services during World War II; and

WHEREAS, during Mr. Roberts' two terms as Superintendent of Limestone County Schools and throughout the succeeding sixteen years as a Central Office staff member, his goal always was the improvement of the school system to the end that our nation's youth be better served; and

WHEREAS, Mr. Roberts' private and public life personifies the highest standards of ethics, and his steadfast loyalty to purpose and strong support to the pedagogical profession being high esteem and respect from his peers and all friends of public education; and

WHEREAS, the community, state, and nation have greatly benefitted from the extraordinary service rendered by Mr. George Roberts and by his

wife, Mrs. Betty Roberts, through their combined seventy years of helping the boys and girls of Limestone County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. George Roberts on his distinguished career in public education, and direct that he receive a copy of this resolution tendered in sincere appreciation of his dedicated service and in warmest personal regard.

On motion of Rep. Carter, the rules were suspended and the resolution, H. J. R. 257, was adopted.

Also:

By Reps. Trammell, Drake, Boles, Ashley, Drinkard, Albright, Hall, Moore, Bennett, Rogers and Coburn:

H. J. R. 258. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several thousand jobs in U. S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibition on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon imported raw steel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the U. S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation; and

That the Alabama legislature calls upon the U. S. Steel Corporation to

refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

On motion of Rep. Trammell, the rules were suspended and the resolution, H. J. R. 258, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 259. CONGRATULATING MR. AND MRS. JOHN MOODY DRINKARD OF THOMASVILLE, ALABAMA, ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Rep. Payne:

H. R. 260. REQUESTING AN ACCOUNTING OF STATE FUNDS EXPENDED IN LEGAL FEES RELATIVE TO REAPPORTIONMENT.

WHEREAS, costs related to reapportionment of the Alabama Legislature have necessitated the expenditure of enormous amounts of public funds; and

WHEREAS, among such costs are those paid for legal counsel and, to the knowledge of this body, no accounting has been made public as to the total sum spent for such counsel; and

WHEREAS, it is the consensus of this membership that both we and the taxpayers of Alabama should be privy to the manner in which public funds are spent and to whom such monies are paid; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the following departments and/or constitutional offices submit an accounting of the amounts paid, from all sources, to any attorney or law firm in the State of Alabama or Washington, D. C., or in any other city or unincorporated area in the county, for counsel or services related to the reapportionment of the Alabama Legislature: State Finance Department, Attorney General's Office, Governor's Office, State Auditor's Office, State Treasurer's Office, the Office of the Secretary of State, the Legislative Fiscal Office, and any other office or state entity having knowledge of such fees paid.

BE IT FURTHER RESOLVED, That a copy of the aforementioned, itemized accounts be forwarded to each member of the Alabama House of Representatives and that such reports be submitted at the earliest possible time that a total of such payments may be made known to all state representatives, and to the public through release of such information to the news media.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Payne offered the motion to suspend the rules and adopt the resolution, H. R. 260.

DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Payne to suspend the rules to take up for immediate consideration the resolution, H. R. 260, and the motion was lost, lacking a four-fifths vote.

Yeas 42; Nays 36.

Yeas:

Reps. Biddle, Blake, Brakefield, Brooks, Butler, Carter, Coleman, Cosby, Faulk, Freeman, Gaston, Grimsley, Holmes, Kvalheim, Layton, Lewis, McKee, McMillan, Martin, Minus, Moore, Murphy, Owens, Payne, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turnham, Waggoner, White (F), White (L), Wilson and Wright.

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Nays:

Mr. Speaker, Albright, Ashley, Bennett, Boles, Box, Bryant, Buskey, Casey, Clark, Coburn, Davis, Drinkard, Escott, Goodwin, Hall, Harvey, Holley, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Mathis, Melton, Newman, Nicholson, Parker, Reed, Rogers, Trammell, Venable, Warren and Zoghby.

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The resolution, H. R. 260 was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

Also:

H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

Also:

H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.

Also:

H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.

Also:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

Also:

H. J. R. 230. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

Also:

H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

Also:

H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

Also:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

Also:

H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.

Also:

H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

Also:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50th WEDDING ANNIVERSARY.

Also:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

Also:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

NOTICE IN WRITING FILED

Rep. Coburn filed the following Notice in Writing.

Notice is hereby given that on the next Legislative Day, a motion will be made to amend the rules of the House as follows:

Before any person is permitted to address a Joint Session of the Alabama Legislature, a resolution inviting such person shall be introduced in the House and must be acted on favorably by a formal meeting of the Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Holmes, Wilson, Langford, Starr, Thomas and McKee:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

WHEREAS, the G. W. Carver High School Wolverines' basketball team won the Alabama High School Athletic Association 4-A State Basketball Championship for 1982-83; and

WHEREAS, the Carver Wolverines were ranked #1 in the State of Alabama by the Associated Press Polls for six weeks longer than any other 4-A high school basketball team for 1982-83; and

WHEREAS, the G. W. Carver High School basketball team's 31-3 season record was the best of any 4-A team in the State; and

WHEREAS, Carver High School was the first 4-A team from Montgomery to win the basketball championship since 1967; and

WHEREAS, the G. W. Carver Wolverines and their coaches and student body are due much credit, not only for their great skills and sportsmanship, but also for their fine school spirit and will to win which are necessary for a winning team; and

WHEREAS, the G. W. Carver Wolverines have brought great recognition to this district of the State of Alabama and its citizens; and

WHEREAS, members of the Carver Championship Team are: Andre Bruce, Kent Crenshaw, Willie Davis, Dwayne Gunter, Terrance Jackson, Joey Reasor, Kenneth Sanders, Clifford Wright, Tim Lover, Greg Payne, Francis Johnson and Marshall Johnson; their Head Coach is Dan Lewis and serving as Assistant Coach is James Sides; the Athletic Director is John Fulgham and the Principal is Mr. Dwight Madison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Montgomery's G. W. Carver High School Wolverines on their 1983 State 4-A Basketball Championship, and direct that copies of this resolution be sent to Coach Lewis, on behalf of the staff and team, with a copy also provided for appropriate school display.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 261, was adopted.

Also:

By Reps. Rogers and Davis:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 and 1961, ON THE OCCASION OF THEIR REUNION.

WHEREAS, the Alabama Legislature notes with pride the many worthwhile achievements of the members of the Ullman High School Classes of 1958, 1959, 1960 and 1961; and

WHEREAS, regrettably, several members of the classes are deceased but have left continued love and cherished memories in the hearts of their friends and loved ones; and

WHEREAS, may the members of the 1958, 1959, 1960 and 1961 Classes of Ullman High School resolve to cherish the memories of this, the occasion of their reunion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation we congratulate each member of the classes of 1958, 1959, 1960 and 1961, and express our gratitude for their accomplishments and contributions of note.

BE IT FURTHER RESOLVED, That the class members go forth from this reunion cherishing the memories of this reunion, returning to their daily tasks realizing that every day is a first beginning.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 262, was adopted.

Also:

By Reps. Rogers, Davis and Horn:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

WHEREAS, Dr. George C. Bell very ably served as principal of Ullman High School for many years; and

WHEREAS, at the 1983 Reunion of the classes of 1958, 1959, 1960 and 1961 of Ullman High School, it is most appropriate that this principal who was instrumental in shaping many young lives be remembered; and

WHEREAS, this Reunion has affectionately been dedicated to the memory of the late Dr. George C. Bell who was a pillar of strength to his students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we remember Dr. George C. Bell, a man with a purpose and a man who cared.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 263, was adopted.

Also:

Reps. Lewis, Biddle, Payne, Layton, Seibels, Howard, Boles, Trammell, Bennett, Tucker, Moore, Waggoner, Wright, Murphy, Rogers, Davis, Escott, Horn and Scott.

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

WHEREAS, the Alabama Legislature notes that Dr. Charles L. Payne, President of Bessemer State Technical College and outstanding educator, recently was given the distinctive honor of being named "Outstanding Administrator of the year," 1982-83; and

WHEREAS, this coveted honor is bestowed annually on those who are eminent in their field by the Alabama Association of College Administrators; the Alabama Association of Women Deans, Administrators, and Counselors; the Alabama Association of Colleges and Universities; and the Alabama Association of University Administrators; and

WHEREAS, Dr. Payne has earned the recognition of his peers of his acumen in administration and incisive mind, serving as a member of the board of trustees and President of the Southern Association of Colleges and Schools during 1982, during which time he initiated an extensive review of the association and established a committee to formulate long-range plans for the association which serves public and private educational institutions in eleven Sun Belt States; and

WHEREAS, Dr. Charles L. Payne is a member of the Alabama State Advisory Council on Community Education, the Southern Regional Task Force on High Technology, and a legislative committee assessing educational needs in high technology; he is president of the Bessemer-West Jefferson County Chamber of Commerce, first vice president of the Alabama Vocational Association, and chairman of the Alabama State Skills Olympics of the Vocational Industrial Clubs of America, and a member of numerous other civic, educational, charitable and religious organizations; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do send our congratulations to Dr. Charles Payne for his latest achievements in the field of education and particularly on receiving the "Outstanding Administrator of the Year," 1982-83, honor.

BE IT RESOLVED FURTHER, That Dr. Charles L. Payne, one of our most eminent and effective educators and college presidents, receive a copy of this resolution so that he may know of our deep admiration and esteem.

On motion of Rep. Lewis, the rules were suspended and the resolution, H. J. R. 264, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Waggoner, Biddle, Lewis, Trammell, Payne, Layton, Wright, Moore, Scott, Murphy, Thornton, Davis, Rogers, Bennett, Boles, Nevett, Escott, Howard and Tucker:

H. R. 265. MOURNING THE DEATH OF MR. JAMES E. DOUGLAS OF BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Kennedy, Clark and Buskey:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

WHEREAS, it is in deep sadness and regret that the Alabama Legislature notes the death of Mr. Julian W. Hall of Mobile, Alabama, on May 8, 1983; and

WHEREAS, Mr. Hall, who was a native and lifelong resident of Mobile, was a retired employee of the United States Postal Service whose tenure of some 39 years was distinguished in its dedication, and in accomplishment as well; and

WHEREAS, Mr. Hall was an active member of both the Comrades Social Club and the Mobile Mardi Gras Association, and he was the recipient in 1973 of the M. O. Beale Scroll of Merit; and

WHEREAS, sorely bereft in grief are Mr. Hall's four devoted daughters, three loving sons, fourteen grandchildren, one great grandchild and numerous other relatives and friends whose unrelenting sorrow we truly share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Julian W. Hall of Mobile, Alabama, and extend our very deepest sympathy to all his family and many friends, to whom a copy of this resolution shall be sent in expression of our concern for them in their time of such great sorrow.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 266, was adopted.

Also:

By Reps. Venable and Grouby:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Holtville High School Bulldogs who made it two in a row with their capture of the 1983 State 2A Baseball Championship; and

WHEREAS, under Head Coach Steve McCord and Assistant Coach Carl Stewart, the Bulldogs displayed their mettle with comeback victories in the play off, following a regular season pattern of fighting the odds to win in true championship spirit; and

WHEREAS, the Bulldogs are indeed deserving of utmost praise, not only for the rare success of back-to-back State titles but for the necessary self-discipline and determination displayed by the team as they aimed for the summit and never once lost sight of their goal throughout the entire season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of the Holtville High School State 2A Baseball Champions; we further join the Community of Holtville in celebrating the team's second consecutive title and direct that a copy of this resolution be sent to Coach McCord on behalf of the team with a copy also provided for appropriate school display.

On motion of Rep. Venable, the rules were suspended and the resolution H. J. R. 267, was adopted.

Also:

By Reps. Hettinger, Brooks, Butler, Hall, Freeman and Albright:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

WHEREAS, pursuant to Act No. 83-17, House Joint Resolution 24, a salary commission was formed in Madison County for the purpose of conducting an in-depth study and evaluation of the salary structure of the elected officials in said county; and

WHEREAS, those members of the salary commission who gave unselfishly of their time, talents and knowledgeability are: Chairmen Sidney P. Saucier and Larry Anderson; Secretary Tommy Battle; and members Bill Collins, Jerry Craig, Rod Duke, Dr. Johnny Harris, Billy Jo Osmer and Graham Shovelton; and

WHEREAS, upon completion of the study, the committee's in-depth evaluation of the Madison County elected officials salary structure provided invaluable information, from independent and expert sources, to the Legislature and to the Madison County Legislative Delegation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise and appreciation of their diligence and outstanding public service, we hereby most highly commend all members of the Madison County Elected Officials Salary Commission.

BE IT FURTHER RESOLVED, That each of the above-named, involved citizens of Madison County receive a copy of this resolution that they may know of our gratitude and of our praise for the outstanding result of their labors.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 268, was adopted.

S. 291 RE-REFERRED

No objection being offered, the Speaker re-referred the bill S. 291 from the Standing Committee on Ways and Means to the Standing Committee on State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Smith, Moore and Holley:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Alabama Legislature notes that Dr. James F. Vickrey Jr., President of the University of Montevallo and a catalyst among academicians, was honored recently as "Outstanding Administrator of the Year" for 1982-83, bestowed by the Alabama Association of College Administrators, the Alabama Association of Women Deans, Administrators and Counselors, the Alabama Association of Colleges and Universities and the Alabama Association of University Administrators; and

WHEREAS, the Alabama Legislature notes that this prestigious honor has been well placed in Dr. Vickrey; and

WHEREAS, Dr. Vickrey has earned many accolades for his administrative acumen and his innovative leadership as President of the University of Montevallo since 1977; and

WHEREAS, Dr. Vickrey was one of the founders and former president of Alabama Association of Colleges and Universities and recently was the recipient of the "John Buchanan Award" for his contribution to student financial aid in Alabama; and

WHEREAS, Dr. Vickrey has given generously of his time and talents for the improvement of higher education throughout the state; and

WHEREAS, Dr. James F. Vickrey, Jr., is a member of the Speech Communication Association, the Council for the Advancement and Support of Education, serving as a member of the national government relations committee; the American Association of State Colleges and Universities, where he served as a member of the policies and purposes committee; the American Council of Education, where he served as a charter member of the self-regulation committee; the American Association of University Administrators; and the President's Council of the National Association of Intercollegiate Athletics; and

WHEREAS, he helped to found and served as president of the Alabama Association of Colleges and Universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Dr. James F. Vickrey, Jr., as one of our state's most outstanding educators and particularly for this latest honor of "Outstanding Administrator of the Year," 1982-83.

BE IT FURTHER RESOLVED, That Dr. James F. Vickrey, Jr., receive a copy of this resolution so that he may know of our esteem and admiration.

On motion of Rep. Smith, the rules were suspended and the resolution, H. J. R. 269, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Thornton:

H. R. 270. COMMENDING MR. AND MRS. GRAHAM WHITE OF FAIRFIELD, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

BILLS ON THIRD READING

H. 45 TEMPORARILY POSTPONED.

On motion of Rep. Turner, the bill, H. 45 was temporarily postponed.

H. 424 TEMPORARILY POSTPONED

On motion of Rep. Turner, the bill, H. 424 was temporarily postponed.

H. 619 TEMPORARILY POSTPONED

On motion of Rep. Laird, the bill, H. 619 was temporarily postponed.

And the bill:

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams, Bennett, Biddle, Butler, Coleman, Drinkard, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Holley, Holmes, Johnson (Roy), Laird, McMillan, Martin, Moore, Murphy, Newman, Penry, Poole, Preuitt, Rains, Scott, Smith, Starkey, Starr, Venable, White (F), White (L), Williams, Wilson and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Brakefield, Butler, Carter, Clikas, Coleman, Drinkard, Faulk, Freeman, Gaston, Goodwin, Grimsley, Hall, Harper, Harvey, Holley, Holmes, Johnson (Roy), McKee, McMillan, Minus, Moore, Newman, Owens, Penry, Poole, Rains, Sasser, Scott, Smith, Turner, Turnham, Venable, White (F), White (L), Williams, Wilson and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Flowers, Gaston, Goodwin, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Kvalheim, Langford, Lauderdale, Layton, Martin, Mathis, Minus, Moore, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Smith, Starkey, Starr, Stout, Thornton, Trammell, Venable and Williams.

—54

And the bill:

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Brakefield, Brooks, Bryant, Butler, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Martin, Mathis, Minus, Moore, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Trammell, Venable, Waggoner, Williams, Wright and Zoghby.

—59

And the bill:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Brakefield, Bryant, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Escott, Faulk, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Minus, Moore, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—65

And the bill:

H. 676. (With Amendment): Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds re-

ceived by the county from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said amendment being as follows:

Amend H. 676 as follows:

On lines 16 and 24, after the word "county", insert the words:

for the City of Mobile

In lines 18 and 25, delete "~~Section 28-3-280~~" and insert in lieu thereof:

Sections 28-3-280 and 28-3-281

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Drinkard, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Mathis, Newman, Owens, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—56

And the bill:

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Box, Brakefield, Buskey, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Faulk, Gaston, Goodwin, Grimsley, Hall, Harper, Hettinger, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Minus, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Waggoner, White (F) Williams, Wilson, Wright and Zoghby.

—61

CO-SPONSORS ADDED

Reps. Gaston, Clark, Clikas, Harper and Kvalheim were added as co-sponsors to the bill, H. 676.

And the bill:

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blakeney, Brakefield, Browder, Bryant, Butler, Carter, Casey, Clark, Clikas, Coleman, Davis, Faulk, Gaston, Goodwin, Grimsley, Hall, Hettinger, Holmes, Johnson (A.L.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, Mathis, Minus, Newman, Nicholson, Owens, Poole, Preuitt, Rains, Richardson, Sasser, Seibels, Smith, Starkey, Starr, Trammell, Turner, Turnham, Venable, Waggoner, White (F), Williams, Wright and Zoghby.

—53

UNFINISHED BUSINESS

The House proceeded to consideration of the Unfinished Business, which was the bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance, and to provide that the plan established herein or the administrator of such plan shall be entitled to any discounts, reimbursements, or charge adjustments offered to any other health care service plan by any health care service facility doing business in Alabama.

The question was then on the adoption of the substitute offered by Rep. Drinkard on the sixteenth legislative day, to the substitute and amendments reported by the Standing Committee on Ways and Means, to the bill, H. 163.

And the substitute was adopted.

Yeas 71; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Boles, Brakefield, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Davis, Drinkard, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins,

Kennedy, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Mathis, Melton, Minus, Mitchell, Moore, Newman, Owens, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

Nays: Reps. Manley, Rice and Scott. —3

AMENDMENT OFFERED

Rep. Freeman offered the following amendment to the bill, H. 163 as amended:

Amend the Substitute to H.B. 163 by adding on page 1, line 28 after the word "insurance." The following:

"To authorize any employee or retired employee to elect optional or supplemental coverage provided either by the board or any other agencies or corporations licensed to underwrite group or individual health insurance in this state, and to establish a procedure for funding such optional or supplemental coverage."

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following substitute amendment to the amendment offered by Rep. Freeman to the bill, H. 163, as amended:

In Section 12, page 9, on lines 6, 13 & 14, and 22, delete the words "~~and/or optional coverage~~" where they appear.

MOTION TO POSTPONE TABLED

On motion of Rep. Johnson (Roy), the motion offered by Rep. Stout to postpone the bill, H. 163 as amended to the eighteenth legislative day was tabled.

Yeas 57; Nays 35.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Box, Browder, Bryant, Buskey, Carter, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Gaston, Goodwin, Grimsley, Hall, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Martin, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Reed, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Warren, White (F) and Wilson.

—57

Nays:

Reps. Blakeney, Bowling, Brakefield, Brooks, Butler, Campbell, Carothers, Clikas, Cosby, Faulk, Flowers, Grouby, Harper, Harvey, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Mathis, Minus, Payne, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Stout, Waggoner, White (L), Wright and Zoghby.

—35

MOTION TO TABLE LOST

The motion offered by Rep. Freeman to table the substitute amendment offered by Rep. Johnson (Roy), to the amendment offered by him to the bill, H. 163 as amended, was lost.

Yeas 31; Nays 63.

Yeas:

Reps. Adams, Bowling, Brakefield, Brooks, Butler, Campbell, Carothers, Cosby, Faulk, Freeman, Hall, Harper, Hettinger, Kvalheim, Lewis, McMillan, Manley, Minus, Moore, Payne, Penry, Poole, Rice, Richardson, Sasser, Seibels, Waggoner, White (L), Williams, Wright and Zoghby.

—31

Nays:

Reps. Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, McKee, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Preuitt, Reed Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F) and Wilson.

—63

AMENDMENT ADOPTED

The question was then on the adoption of the substitute amendment offered by Rep. Johnson (Roy) to the bill, H. 163 as amended, and the amendment was adopted.

Yeas 72; Nays 22.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Melton, Minus, Mitchell, Murphy, Nevett, Newman, Owens, Parker, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Warren, White (F), Williams and Wilson.

—72

Nays:

Reps. Adams, Brakefield, Campbell, Carothers, Casey, Coburn, Freeman, Hall, Harper, Lewis, McMillan, Manley, Nicholson, Payne, Penry, Rice, Sasser, Seibels, Waggoner, White (L), Wright and Zoghby.

—22

AMENDMENT OFFERED

Rep. Bowling offered the following amendment to the bill H. 163 as amended:

Amend Substitute for H.B. 163 by adding the following to the end of Section 9 (2):

Any employees covered by hospital-medical plans through their spouses or other family members may choose not to participate in any state-funded plan, and may instead receive a monthly cash reimbursement from the state equal to the amount provided per employee for state-funded coverage.

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment offered by Rep. Bowling to the bill, H. 163 as amended, was tabled.

Yeas 55; Nays 33.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Escott, Flowers, Gaston, Goodwin, Grimsley, Holley, Holmes, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, McKee, Martin, Mathis, Mitchell, Moore, Murphy, Nevett, Newman, Owens, Parker, Penry, Poole, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren and White (F).

—55

Nays:

Reps. Adams, Bowling, Brooks, Butler, Campbell, Carothers, Cosby, Freeman, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Laird, Lewis, McMillan, Manley, Melton, Minus, Nicholson, Payne, Preuitt, Richardson, Sasser, Seibels, Starkey, Tucker, Venable, Waggoner, White (L), Williams, Wright and Zoghby.

—33

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 163 as amended:

Amend Substitute to H.B. 163 by deleting any reference to "Section 7" in Sections 8, 11 and 12 and inserting in lieu thereof the term" Section 8."

SUBSTITUTE AMENDMENT OFFERED

Rep. Drinkard offered the following substitute amendment to the amendment offered by Rep. Harper to the bill, H. 163 as amended:

In Section 2, on page 2, line 17 after the word section, change the figure "7" to read: 8

In Section 8, on page 7, line 29, after the word Section, change the figure "7(6)" to read: 8(6)

In Section 11, on page 8, line 32, after the word Section, change the figure "7(1)" to read: 8(3)

In Section 12, on page 9, line 8, after the word Section, change the figure "7(2)" to read: 8(2)

And the amendment was adopted.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—93

Nay: Rep. Tucker. —1

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 163 as amended:

Amend H. 163 on page 9 by deleting the phrase "Section 7(2)" and inserting in lieu thereof the phrase "Section 8(2)". Further amend by adding a new sentence at the end of section 12(1) on page 9, line 12, to read as follows:

The state plan shall be considered fully funded only when the state has appropriated sufficient funds to provide a fully paid insurance program for all eligible employees, whether they have opted to participate in the state plan or a local plan.

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment #2 offered by Rep. Harper to the bill, H. 163 as amended, was tabled.

Yeas 53; Nays 30.

Yeas:

Mr. Speaker, Albright, Bennett, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Buskey, Carter, Casey, Clark, Davis, Dutton, Escott, Gaston, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Nevett, Newman, Owens, Parker, Poole, Rains, Reed, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Warren and White (F).

—53

Nays:

Reps. Adams, Ashley, Bowling, Box, Butler, Campbell, Carothers, Cosby, Freeman, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Lewis, McKee, McMillan, Manley, Minus, Nicholson, Payne, Penry, Preuitt, Richardson, Sasser, Scott, Seibels, Venable, Wright and Zoghby.

—30

AMENDMENT OFFERED

Rep. Harper offered the following amendment #3 to the bill, H. 163 as amended:

Amend H. 163 on page 9, line 20, by inserting before the word "fund" the following: Alabama Special Education Trust

AMENDMENT TABLED

On motion of Rep. Drinkard the amendment #3 offered by Rep. Harper to the bill, H. 163 as amended, was tabled.

Yeas 54; Nays 28.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Box, Brooks, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Gaston, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Moore, Nevett, Newman, Parker, Poole, Reed, Rogers, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—54

Nays:

Reps. Brakefield, Campbell, Carothers, Cosby, Grouby, Hall, Harper, Hettinger, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Payne, Penry, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Venable, Wright and Zoghby.

—28

MOTION TO ADJOURN LOST

The motion offered by Rep. Rice that the House adjourn was lost.

Yeas 33; Nays 62.

Yeas:

Reps. Adams, Bowling, Butler, Campbell, Carothers, Clikas, Cosby, Faulk, Ford, Harper, Harvey, Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Mathis, Minus, Payne, Penry, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Starkey, Tucker, Venable, White (L), Wright and Zoghby.

—33

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Carter, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Gaston, Goodwin, Grimsley, Grouby, Hall, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Langford, Lauderdale, Layton, Martin, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Reed, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F), Williams and Wilson.

—62

H. 163 RESUMED

AMENDMENT OFFERED

Rep. Harper offered the following amendment #4 to the bill, H. 163 as amended:

Amend the Substitute to HB 163 by deleting Section 2 (1) in its entirety and sustituting in lieu thereof the following:

"(1) The public education employee' health insurance board shall be comprised of nine (9) trustees as follows:

(1) the state superintendent of education, ex officio;

(2) the Chancellor of the Department of Postsecondary Education, ex officio;

(3) the state director of finance, ex officio;

(4) two (2), current and active K-12 public school teachers elected through an election process promulgated and supervised by the State Board of Education;

(5) one (1), current and active representative from the public postsecondary institutions under the purview of the State Board of Education elected through an election process promulgated and supervised by the State Board of Education;

(6) one (1), retired teacher representative elected through an election process promulgated and supervised by the State Board of Education;

(7) two citizens appointed at-large by the Governor.

The K-12 elected representatives of the board shall initially serve a two year term with subsequent K-12 elected representatives being elected to four year terms of office. The elected representatives of the retired teachers and the postsecondary institutions shall initially and subsequently serve terms of four years on the board.

Further amend the Substitute to HB 163 by deleting Section 2 (3) in its entirety and substituting in lieu thereof the following:

"(3) Each board member shall, within ten days after his election or appointment to the board, take an oath of office that, so far as it devolves on him, he diligently and honestly administer the affairs of the board herein established, and that he will not knowingly violate, or willingly permit to be violated, any of the provisions of law applicable to the public education employees' health insurance plan. Such oath shall be subscribed to the member making it, certified by the officer before whom it is taken, and immediately filed in the office of the secretary of state;

Further amend the Substitute to HB 163 by deleting Section 2 (5) in its entirety and substituting in lieu thereof the following:

"Section 2 (5) The chairman, vice chairman and secretary-treasurer of the board shall be elected by the members of the public education employees' health insurance board. The secretary-treasurer shall serve as chief executive officer of the public education employees' health insurance plan. In addition thereto, the board may engage such actuarial, administrative, legal, and other special services as shall be deemed necessary to transact the business of the insurance plan. The compensation and expenses for these special services shall be paid at such rates and in such amounts as the board shall

approve. All other employees not in these catagories of employment shall be employed under the provisions of the merit system act."

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment #4 offered by Rep. Harper to the bill, H. 163 as amended, was tabled.

Yeas 62; Nays 31.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Blake, Boles, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Coburn, Coleman, Davis, Dutton, Escott, Faulk, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rains, Rice, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—62

Nays:

Reps. Bowling, Brakefield, Brooks, Butler, Campbell, Carothers, Cosby, Drinkard, Freeman, Grouby, Harper, Hettinger, Johnson (R.G.), Lewis, McKee, McMillan, Manley, Minus, Payne, Penry, Preuitt, Richardson, Sasser, Scott, Seibels, Starkey, Venable, Waggoner, Wilson, Wright and Zoghby.

—31

AMENDMENT OFFERED

Rep. Casey offered the following amendment to the bill, H. 163 as amended:

Amend Substitute to House Bill 163, page 3, beginning on line 7 by striking Section 3 in its entirety and substituting in lieu thereof a new Section 3 to read as follows:

Section 3. The members of the Public Employee's Health Insurance Board and their employees shall not be liable for punitive damages for acts arising out of the good faith performance of their duties in administering the health insurance plan.

And the amendment was adopted.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Davis, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White

(L), Williams, Wilson, Wright and Zoghby.

—95

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Escott:

H. R. 271. COMMENDING MRS. JOSIE JOHNSON OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 272. COMMENDING MRS. LILLIE JACKSON OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 273. COMMENDING MR. WILLIE JOHNSON OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 274. COMMENDING MRS. EVELYN DAVIS OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 275. COMMENDING MRS. HATTIE BRADBERRY OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 276. COMMENDING MRS. LONA BARRON OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 277. COMMENDING MRS. LUCY PITTS OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 278. COMMENDING MRS. MARIE HENSON OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 279. COMMENDING MRS. ADDIE HARDIN OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 280. COMMENDING THE REVEREND WEDZELL ESCOTT, SR., OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 281. COMMENDING MRS. CARRIE WILLIAMS OF THE PRATT CITY COMMUNITY.

Also:

By Rep. Escott:

H. R. 282. COMMENDING MR. WALTER HAIRSTON, SR., OF THE PRATT CITY COMMUNITY.

H. 163 RESUMED

AMENDMENT OFFERED

Rep. Browder offered the following amendment to the bill, H. 163 as amended:

On page 1, lines 5 and 6, strike the words

"and, under certain conditions, retired employees"

On page 1, line 8, strike the period (.) after the word education and add the following language:

"and under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-postgraduate"

On page 1, line 17, strike the words

"and, under certain conditions, retired employees"

On page 1, line 19, strike the semi-colon (;) and add the following language:

"and under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-postgraduate"

On page 2, lines 9 and 10, strike the language

"14, exclusively, under the auspices of the state board of education" and insert in lieu thereof the words

"postgraduate"

On page 8, line 33, after the word "section" strike the comma (,) and insert the following language;

"and whose retired employees are not included in the definition of retired employee as defined in section 1,"

And the amendment was lost.

Yeas 34; Nays 41.

Yeas:

Mr. Speaker, Albright, Bennett, Biddle, Boles, Browder, Bryant, Buskey, Coburn, Davis, Escott, Grimsley, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Kennedy, Laird, Langford, Lauderdale, Moore, Nevett, Owens, Poole, Rogers, Smith, Starr, Thomas, Trammell, Turner, Warren and White (F).

—34

Nays:

Reps. Adams, Ashley, Bowling, Brakefield, Butler, Carter, Clark, Clikas, Coleman, Cosby, Flowers, Gaston, Harper, Johnson (R.G.), Junkins, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Murphy, Newman, Nicholson, Payne, Penry, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Starkey, Venable, Waggoner, White (L), Wright and Zoghby.

—41

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 163 as amended: Amend Substitute for H.B. 163 on page 5, line 6 after the word "actuaries" by deleting the ~~semi-colon~~ (;) and adding a period . and add the following language:

The board shall re-evaluate the contract yearly, and re-negotiate on a competitive basis at least every three years.

MOTION TO TABLE LOST

The motion offered by Rep. Drinkard to table the amendment offered by Rep. Zoghby to the bill, H. 163 as amended, was lost.

Yeas 37; Nays 53.

Yeas:

Mr. Speaker, Albright, Blake, Browder, Bryant, Buskey, Casey, Clark, Coburn, Davis, Drinkard, Dutton, Escott, Goodwin, Harvey, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Nevett, Newman, Nicholson, Owens, Parker, Rogers, Smith, Stout, Trammell and Warren.

—37

Nays:

Reps. Ashley, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Butler, Campbell, Carothers, Carter, Clikas, Cosby, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Harper, Holley, Johnson (A.L.), Johnson (R.G.), Kvalheim, Lewis, McKee, McMillan, Manley, Melton, Minus, Moore, Murphy, Payne, Penry, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Turner, Waggoner, White (F), White (L), Wilson, Wright and Zoghby.

—53

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Zoghby to the bill, H. 163 as amended, and the amendment was

adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—93

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill H. 163 as amended: Amend Substitute to House Bill 163, page 6, beginning on line 27 by striking item (4) in its entirety and substituting a new item (4) to read as follows:

(4) For any fiscal year in which the Alabama special educational trust fund appropriation for hospital/medical insurance per eligible employee is less than the cost of said coverage per eligible employee, then the difference in cost per eligible employee shall be withheld from the monthly payroll check of the eligible employee and/or withheld from the funds of the employing board, institution or agency, and submitted for each eligible employee by the employing board, institution or agency monthly to the board. In any fiscal year in which the state appropriation for hospital/medical insurance for retired employees is less than the cost of said coverage, then the difference in cost per eligible retired employee as defined in Section 7(3) shall be withheld from the monthly retirement check of said retired employee.

AMENDMENT TABLED

On motion of Rep. Drinkard the amendment offered by Rep. Payne to the bill, H. 163 as amended, was tabled.

Yeas 59; Nays 16.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Carothers, Carter, Casey, Clark, Coleman, Davis, Drinkard, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Reed, Rice, Rogers, Smith, Starkey, Starr, Stout, Thomas, Trammell, Turner, Warren, White (F), Williams and Wilson.

—59

Nays:

Reps. Butler, Campbell, Cosby, Freeman, Johnson (R.G.), Lewis, McMillan, Manley, Minus, Payne, Poole, Richardson, Seibels, Waggoner, White (L), and Wright.

—16

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 163 as amended:

On page 6, on lines 31, 32 and 33 delete the words "the sum of which may be any combination of employee funds collected through monthly payroll deduction and employing board, institution or agency funds;" and insert in lieu thereof: the sum of which may be any employee funds collected through monthly payroll deduction, funds of the employing board, institution or agency or any combination of these funds.

AMENDMENT TABLED

On motion of Rep. Drinkard the amendment offered by Rep. McMillan to the bill, H. 163 as amended, was tabled.

Yeas 57; Nays 15.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Boles, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rice, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Warren, White (F) and Williams.

—57

Nays:

Reps. Campbell, Cosby, Grouby, Harper, Lewis, McKee, McMillan, Manley, Minus, Payne, Scott, Seibels, Waggoner, Wilson and Wright.

—15

AMENDMENT OFFERED

Rep. McMillan offered the following amendment #2 to the bill, H. 163 as amended:

On page 8, line 3, delete the period and insert the following in lieu thereof:

, or the difference in cost per eligible employee shall be submitted for each eligible employee by the employing board, institution or agency monthly to the board, the sum of which may be any employee funds collected through monthly payroll deduction, funds of the employing board, institution or agency or any combination of these funds.

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment #2 offered by Rep. Mc-

Millan to the bill, H. 163 as amended, was tabled.

Yeas 54; Nays 16.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Browder, Bryant, Butler, Carter, Casey, Coleman, Davis, Drinkard, Dutton, Escott, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Poole, Rogers, Starr, Thomas, Thornton, Trammell, Turner, Waggoner, Warren, White (F), Williams and Wilson.

—54

Nays:

Reps. Campbell, Cosby, Freeman, Grouby, Lewis, McKee, McMillan, Manley, Payne, Penry, Rains, Sasser, Scott, Seibels, Starkey and Wright.

—16

AMENDMENT OFFERED

Rep. White (L), offered the following amendment to the bill, H. 163 as amended:

On page 4, after line 5, insert the following:

(3) Any employee or retired employee may elect to receive an annual lump sum payment in lieu of any type insurance coverage offered by this act. Said amount shall equal the pro rata cost per teacher paid by the state for said insurance coverage. The board shall promulgate necessary rules and regulations to implement this subsection.

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment offered by Rep. White (L) to the bill, H. 163 as amended, was tabled.

Yeas 59; Nays 20.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Box, Brakefield, Browder, Bryant, Buskey, Butler, Carter, Casey, Clark, Coburn, Coleman, Davis, Drinkard, Escott, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Melton, Mitchell, Moore, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Reed, Rogers, Smith, Starr, Thomas, Trammell, Turner, Warren, White (F) and Williams.

—59

Nays:

Reps. Campbell, Carothers, Freeman, Grouby, Harper, Johnson (R.G.), Lewis, McMillan, Manley, Mathis, Minus, Payne, Preuitt, Richardson, Sasser, Scott, Seibels, Starkey, White (L), and Wright.

—20

AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, H. 163 as amended:

Amend Substitute to House Bill 163, page 9, line 30, after the period by striking the remainder of line 30 and by striking lines 31 and 32 in their entirety.

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment offered by Rep. Lewis to the bill, H. 163 as amended, was tabled.

Yeas 57; Nays 37.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Browder, Bryant, Buskey, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes, Horn, Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Melton, Moore, Murphy, Nevett, Newman, Nicholson, Parker, Penry, Reed, Rogers, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F), Williams and Wilson.

—57

Nays:

Reps. Adams, Box, Brooks, Butler, Campbell, Carter, Cosby, Flowers, Freeman, Grouby, Hettinger, Howard, Johnson (R.G.), Lewis, McKee, McMillan, Manley, Martin, Minus, Mitchell, Owens, Payne, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Venable, Waggoner, White (L), Wright and Zoghby.

—37

AMENDMENT OFFERED

Rep. Lewis offered the following amendment #2 to the bill, H. 163 as amended:

Amend Substitute to House Bill 163, page 9, line 7, by changing the semi-colon to a period and striking the remainder of line 7 and by striking lines 8 through 12 in their entirety.

Further amend Substitute to House Bill 163, page 9, lines 24 and 25 after the word "act" by striking the following:

~~participation; once elected, is irrevocable.~~

AMENDMENT TABLED

On motion of Rep. Drinkard, the amendment #2 offered by Rep. Lewis to the bill, H. 163 as amended, was tabled.

Yeas 55; Nays 31.

Yeas:

Reps. Albright, Ashley, Bennett, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Bryant, Buskey, Carter, Clark, Coleman, Davis, Drinkard, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Hall, Harvey, Holley, Holmes,

Johnson (A.L.), Johnson (Roy), Junkins, Kennedy, Langford, Lauderdale, Layton, Martin, Melton, Mitchell, Nevett, Newman, Nicholson, Owens, Parker, Poole, Preuitt, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F), Williams and Wilson.

—55

Nays:

Reps. Adams, Bowling, Butler, Campbell, Carothers, Cosby, Freeman, Grouby, Harper, Hettinger, Howard, Johnson (R.G.), Lewis, McKee, McMillan, Manley, Minus, Murphy, Payne, Penry, Rains, Rice, Richardson, Scott, Seibels, Starkey, Venable, Waggoner, White (L), Wright and Zoghby.

—31

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 163 as amended:

Amend the Substitute to House Bill 163, on Page 10, Line 8, by adding a new Section 16 and renumber the following Sections accordingly:

Section 16. Once the legislature has fully funded the Public Education Employees' Health Insurance Program, the Public Education Employees' Health Insurance Board and the State Employees' health Insurance Board shall coordinate and equalize benefits so that both groups shall be insured and funded equally.

And the amendment was adopted.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—97

AMENDMENT OFFERED

Rep. Freeman offered the following amendment #2 to the bill, H. 163 as amended:

Amend the Substitute H.B. 163 by deleting on page 9, lines 4 through 12, and by substituting therein, beginning at page 9, line 4, the following:

Section 12. (1) No board of education, institution or other employer with employees as defined by Section 1 of this act is required to participate in either the basic medical or optional coverage plan provided by the board, as authorized by the provisions of this act. Any such board of education, institution, or other employer with employees as defined by Section 1 of this

Act, may, upon a majority vote of its employees, elect to participate in the basic medical and/or optional coverage plan provided by the board as authorized by the provisions of this act.

AMENDMENT TABLED

On motion of Rep. Drinkard the amendment #2 offered by Rep. Freeman to the bill, H. 163 as amended, was tabled.

Yeas 60; Nays 34.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Boles, Box, Browder, Bryant, Buskey, Carter, Casey, Clark, Clikas, Coleman, Davis, Drinkard, Dutton, Escott, Flowers, Gaston, Goodwin, Grimsley, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Martin, Mathis, Melton, Mitchell, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Reed, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Turner, Warren, White (F), Williams and Wilson.

—60

Nays:

Reps. Adams, Biddle, Bowling, Brakefield, Butler, Campbell, Carothers, Cosby, Faulk, Freeman, Grouby, Hall, Harper, Hettinger, Lewis, McKee, McMillan, Manley, Minus, Moore, Payne, Penry, Poole, Preuitt, Rice, Richardson, Sasser, Scott, Seibels, Starkey, Venable, White (L), Wright and Zoghby.

—34

And the bill:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 12.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Gaston, Goodwin, Grimsley, Grouby, Harvey,

Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Richardson, Rogers, Smith, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—84

Nays:

Reps. Bowling, Campbell, Hall, Harper, McKee, McMillan, Manley, Rice, Sasser, Scott, Starkey and White (L).

—12

And the bill, H. 370 as amended, and postponed on the fifteenth legislative day was taken up.

And the bill:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 38.

Yeas:

Reps. Adams, Albright, Bennett, Biddle, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Freeman, Gaston, Hall, Harper, Harvey, Hettinger, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Murphy, Newman, Nicholson, Penry, Scott, Starr, Thornton, Tucker, Turner, Waggoner, Wright and Zoghby.

—47

Nays:

Reps. Ashley, Blake, Blakeney, Browder, Bryant, Buskey, Casey, Dutton, Faulk, Flowers, Goodwin, Grimsley, Grouby, Holley, Johnson (R.G.), Laird, Langford, Lauderdale, Mathis, Mitchell, Moore, Nevett, Owens, Parker, Poole, Preuitt, Rains, Rice, Richardson, Sasser, Smith, Starkey, Thomas, Venable, Warren, White (F), White (L) and Williams.

—38

CONFLICT OF INTEREST

Rep. Drake abstained from voting on the bill H. 370 due to a conflict of interest.

SPECIAL ORDER CALENDAR

The House then proceeded to the consideration of the bills on the Special Order Calendar.

And the bill:

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 28.

Yeas:

Reps. Albright, Bowling, Bryant, Buskey, Clark, Coleman, Davis, Dutton, Escott, Hall, Hettinger, Holmes, Horn, Howard, Junkins, Kennedy, Langford, Lewis, Mathis, Newman, Preuitt, Rogers, Sasser, Starkey, Stout, Thomas, Tucker, White (L), Williams and Zoghby.

—30

Nays:

Mr. Speaker, Adams, Brakefield, Browder, Butler, Carter, Casey, Flowers, Grouby, Harvey, Holley, Johnson (R.G.), Johnson (Roy), Laird, McKee, Manley, Minus, Mitchell, Nicholson, Owens, Payne, Poole, Rains, Rice, Richardson, Smith, Starr and White (F).

—28

And the bill:

H. 488. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether and where the Act will become effective in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 27.

Yeas:

Reps. Albright, Bowling, Brooks, Bryant, Buskey, Butler, Clark, Coleman, Davis, Dutton, Escott, Freeman, Hall, Harper, Hettinger, Holmes, Horn, Junkins, Langford, Lewis, McMillan, Mathis, Newman, Preuitt, Reed, Rogers, Sasser, Starkey, Stout, Thomas, White (L), Williams and Zoghby.

—33

Nays:

Mr. Speaker, Adams, Brakefield, Browder, Carter, Casey, Drinkard, Grouby, Harvey, Holley, Johnson (Roy), Laird, McKee, Manley, Melton, Minus, Mitchell, Nicholson, Owens, Payne, Poole, Rains, Richardson, Smith, Starr, White (F) and Wilson.

—27

And the bill:

H. 236. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Was taken up.

Rep. Coburn offered the following substitute to the substitute and amendments reported by the Standing Committee on Ways and Means to the bill, H. 236:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1983-84 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

2A. LEGISLATIVE:		
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:		
(a) Legislative Support-Audit Services Program		3,524,369
The appropriation to the Examiners of Public Accounts shall include a transfer to the State Personnel Department of $8,220.		
SOURCE OF FUNDS:		
(1) State General Fund	3,524,369	
Total Department of Examiners of Public Accounts	3,524,369	3,524,369
2. LEGISLATIVE COUNCIL:		
(a) Legislative Operations and Support Program		110,500
(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature.)		
SOURCE OF FUNDS:		
(1) State General Fund	110,500	
Total Legislative Council	110,500	110,500
3. LEGISLATIVE FISCAL OFFICE:		
(a) Legislative Operations and		

Support Program		449,675
SOURCE OF FUNDS:		
(1) State General Fund	449,675	
Total Legislative Fiscal Office	449,675	449,675
4. LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program		674,613
The appropriation to the Legislative Reference Service shall include a transfer to the State Personnel Department of $502.		
SOURCE OF FUNDS:		
(1) State General Fund	674,613	
Total Legislative Reference Service	674,613	674,613
5. LEGISLATURE:		
(a) Senate Operations and Support Program		1,214,495
(b) House Operations and Support Program		1,821,743
SOURCE OF FUNDS:		
(1) State General Fund	3,036,238	
Total Legislature	3,036,238	3,036,238
6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:		
(a) Legislative Operations and Support Program		53,359
SOURCE OF FUNDS:		
(1) State General Fund	53,359	
Total National Conference of State Legislatures	53,359	53,359
B. JUDICIAL:		
1. COURT OF CIVIL APPEALS:		
(a) Court Operations Program		776,160
SOURCE OF FUNDS:		
(1) State General Fund	776,160	
Total Court of Civil Appeals	776,160	776,160
2. COURT OF CRIMINAL APPEALS:		
(a) Court Operations Program		1,243,209
SOURCE OF FUNDS:		
(1) State General Fund	1,243,209	
Total Court of Criminal Appeals	1,243,209	1,243,209
3. JUDICIAL INQUIRY COMMISSION:		

(a) Administrative Services Program			
SOURCE OF FUNDS:			
(1) State General Fund	73,511		
Total Judicial Inquiry Commission	73,511		73,511
4. JUDICIAL RETIREMENT SYSTEM:			
(a) Retirement Systems Program			1,216,200
SOURCE OF FUNDS:			
(1) State General Fund	1,216,200		
Total Judicial Retirement System	1,216,200		1,216,200
5. SUPREME COURT:			
(a) Court Operations Program			3,062,524
SOURCE OF FUNDS:			
(1) State General Fund	3,047,524		
(2) Federal, Local and Miscellaneous Funds		15,000	
Total Supreme Court	3,047,524	15,000	3,062,524
6. UNIFIED JUDICIAL SYSTEM:			
(Administrative Office of Courts)			
(a) Court Operations Program			43,231,519
(b) Administrative Services Program			3,171,701
(c) Judicial Education and Training Program			300,000
SOURCE OF FUNDS:			
(1) State General Fund	46,703,220		
Total Unified Judicial System	46,703,220		46,703,220
C. EXECUTIVE:			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Management Program			850
SOURCE OF FUNDS:			
(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama	850		
Total Alabama Academy of Honor	850		850
2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:			
(a) Professional and Occupational Licensing and Regulation Program			246,065
SOURCE OF FUNDS:			

(1) Alabama State Board of Public Accountancy Fund		246,065	
As provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama.			
In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		246,065	246,065
3. ADJUSTMENT, BOARD OF:			
(a) Special Services Program			182,750
SOURCE OF FUNDS:			
(1) State General Fund for the General Fund Contribution to the total expenditure of $350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama	12,750		
(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated	170,000		
Total Board of Adjustment	182,750		182,750
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			666,613
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of $314.			
SOURCE OF FUNDS:			
(1) Airport Development Fund		666,613	
As provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama			
Total Department of Aeronautics		666,613	666,613
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for Elderly Program			13,459,892
The appropriation to the Commis-			

sion on Aging shall include a transfer to the State Personnel Department of $1,004.			
(b) Retired Senior Volunteer Program			288,150
The above appropriation to the Retired Senior Volunteer Program shall be distributed in the following manner: $34,664 to the Foster Grandparent and Senior Companion Programs and $253,486 to the Retired Senior Volunteer Programs.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,125,582		
(2) Federal, Local and Miscellaneous Funds		12,622,460	
Total Commission on Aging	1,125,582	12,622,460	13,748,042
6. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			521,344
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of $753.			
SOURCE OF FUNDS:			
(1) State General Fund	102,000		
For expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama.			
(2) State General Fund-Transfer	260,944		
(3) Livestock Coliseum Fund		158,400	
Total Agricultural Center Board	362,944	158,400	521,344
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			26,714
SOURCE OF FUNDS:			
(1) State General Fund	26,714		
Total Alabama Agricultural and Industrial Exhibit Commission	26,714		26,714
8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services program			932,481

(b) Agricultural Inspection Services Program			9,499,486
(c) Laboratory Analysis and Disease Control Program			2,762,514
(d) Agricultural Development Services program			575,894
The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of $28,551.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	5,769,718		
(2) Federal, Local and Miscellaneous Funds		1,243,657	
(3) Shipping Point Inspection Fund		4,557,000	
Pursuant to Title 2, Chapter 9, Sections 20 and 21, 1975 Code of Alabama. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agriculture commodities.			
(4) Agricultural Fund		2,200,000	
Total Department of Agriculture and Industries	5,769,718	8,000,657	13,770,375
9. AIR TRANSPORTATION AND SERVICES, DEPARTMENT OF:			
(a) Administrative Support Services program			1,795,928
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,695,928		
(2) Departmental Receipts		100,000	
Total Department of Air Transportation and Services	1,695,928	100,000	1,795,928
10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:			

(a) Alcoholic Beverage Management Program		22,413,093
(b) Licensing, Regulation and Enforcement Program		6,903,324
(c) Administrative Services Program		4,051,120

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of $64,694, and to the Department of Mental Health of $1,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	33,367,537

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount com-

parable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.			
Total Alabama Alcoholic Beverage Control Board		33,367,537	33,367,537
11. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupational Licensing and Regulation Program			140,000
The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975		140,000	
Total Board for Registration of Architects		140,000	140,000
12. ARCHIVES AND HISTORY:			
(a) Historical Resources Management Program			855,938
The appropriation to Archives and History shall include a transfer to the State Personnel Department of $2,886.			
SOURCE OF FUNDS:			
(1) State General Fund	855,938		
Total Archives and History	855,938		855,938
13. ATTORNEY GENERAL, OFFICE OF THE:			
(a) Legal Advice and Legal Services Program			4,368,558

(b) Fair Marketing Practices program			334,029
The appropriation to the Office of the Attorney General shall include a transfer to the State Personnel Department of $9,350.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	3,702,812		
(2) Transfer from Pensions and Security		511,457	
(3) Federal, Local and Miscellaneous Funds		488,318	
Total Office of the Attorney General	3,702,812	999,775	4,702,587
14. AUDITOR, STATE:			
(a) Fiscal Management Program			696,231
The appropriation to the State Auditor shall include a transfer to the State Personnel Department of $1,569.			
SOURCE OF FUNDS:			
(1) State General Fund	696,231		
Total State Auditor	696,231		696,231
15. BANKING DEPARTMENT, STATE:			
(a) Charter, License, and Regulate Financial Institutions Program			2,148,790
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of $3,075.			
SOURCE OF FUNDS:			
(1) Banking Assessment Fees		1,683,100	
As provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama.			
(2) Bureau of Credit Unions		201,700	
As provided in Title 5, Chapter 17, Article 7, and Chapter 2A, Article 5, 1975 Code of Alabama.			
(3) Loan Examination Fund		263,990	
As provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama.			
Total State Banking Department		2,148,790	2,148,790
16. BAR ASSOCIATION, ALABAMA STATE:			
(a) Professional and Occupational			

Licensing and Regulation Program			756,045
SOURCE OF FUNDS:			
(1) State Bar Association Fund, as provided in Title 34, Chapter 3 1975 Code of Alabama		756,045	
Total Alabama State Bar Association		756,045	756,045
17. BEAR CREEK DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			204,179
SOURCE OF FUNDS:			
(1) State General Fund	22,179		
(2) Federal, Local and Miscellaneous Funds		182,000	
Total Bear Creek Development Authority	22,179	182,000	204,179
18. BRIERFIELD IRONWORKS PARK:			
(a) Outdoor Recreation Sites and Services Program			101,529
SOURCE OF FUNDS:			
(1) State General Fund	25,000		
(2) Federal, Local and Miscellaneous Funds		76,529	
Total Brierfield Ironworks Park	25,000	76,529	101,529
19. BUILDING COMMISSION:			
(a) Special Services Program			791,289
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of $1,192.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	150,000		
(2) Federal, Local and Miscellaneous Funds		641,289	
Total Building Commission	150,000	641,289	791,289
20. CAHABA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			21,250
SOURCE OF FUNDS:			
(1) State General Fund	21,250		
Total Cahaba Advisory Committee	21,250		21,250
21. CHIROPRACTIC EXAMINERS, ALABAMA STATE			

BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			36,500
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama		36,500	
Total Alabama State Board of Chiropractic Examiners		36,500	36,500
22. CIVIL DEFENSE, DEPARTMENT OF:			
(a) Readiness and Recovery Program			2,550,772
The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of $2,008.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	530,021		
(2) Federal, Local and Miscellaneous Funds		2,020,751	
Total Department of Civil Defense	530,021	2,020,751	2,550,772
23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			684,813
(b) Outdoor Recreation Sites and Services Program			10,255,594
(c) Marine Police Management Program			2,034,321
(d) Wildlife and Game Program			10,933,496
(e) Marine Resources Management Program			1,358,410
(f) Land and Water Conservation Program			1,357,387
(g) Administrative Services Program			2,090,000
(h) Land Survey Program			264,564
The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operating expenses. The appropriation to the De-			

partment of Conservation and Natural Resources shall include such funds as are necessary for the maintenance, staff and repair of the Governor's official beach mansion. The appropriation to the Department of conservation and Natural Resources shall include a transfer to the State Personnel Department of $40,975.	
SOURCE OF FUNDS:	
(1) Alabama Recreation Capital Development Fund	50,000
(2) Game and Fish Fund	10,933,496
(3) State Lands Fund	684,813
The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.	
(4) Marine Resources Fund	1,358,410
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.	
(5) Marine Police Fund	2,034,321
(6) State Parks Fund	9,705,594
(7) Administrative Funds	2,090,000
The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, 1975 Code of Alabama.	
(8) Cigarette Tax	500,000
(9) Land Survey Fund	264,564
(10) Federal Land and Water Fund	1,357,387
Total Department of Conservation	

and Natural Resources		28,978,585	28,978,585
24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:			
(a) Professional and Occupational Licensing and Regulation Program			265,845
The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of $377.			
SOURCE OF FUNDS:			
(1) State Licensing Board for General Contractors Fund		265,845	
Pursuant to Title 34, Chapter 8, 1975 Code of Alabama. In addition to the amounts appropriated herein above to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for General contractors		265,845	265,845
25. CORRECTIONS, DEPARTMENT OF:			
(a) Administrative Services and Logistical Support Program			6,633,600
(b) Institutional Services Corrections Program			62,606,370
(c) Correctional Industries Program			6,972,198
The appropriation to the Department of Corrections shall include a transfer to the State Personnel Department of $99,268.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	69,100,000		
(2) Department of Corrections Fund		7,112,168	
The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required			

and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.			
Total Department of Corrections	69,100,000	7,112,168	76,212,168
26. COSMETOLOGY, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			408,000
The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of $565.			
SOURCE OF FUNDS:			
(1) Alabama Board of Cosmetology Fund		408,000	
As provided in Title 34, Chapter 7, 1975 Code of Alabama.			
Total Alabama Board of Cosmetology		408,000	408,000
27. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:			
(a) Professional and Occupational Licensing and Regulation Program			39,400
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners in Counseling Fund		39,400	
As provided in Title 34, Chapter 8A, 1975 Code of Alabama.			
Total Alabama Board of Examiners in Counseling		39,400	39,400
28. CRIMINAL JUSTICE INFORMATION SYSTEM, ALABAMA:			
(a) Criminal Justice Information Services program			2,447,738
The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of $3,137.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,942,838		

(2) Federal, Local and Miscellaneous Funds		504,900	
Total Alabama Criminal Justice Information System	1,942,838	504,900	2,447,738
29. DEVELOPMENT OFFICE, ALABAMA:			
(a) Industrial Development Program			2,176,125
(b) Administrative Services Program - Office of Minority Business			145,135
(c) Alabama Film Commission - Promotional Development Program			186,428
The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of $2,133.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer-Alabama Development Office	2,126,125		
(2) State General Fund-Transfer-Office of Minority Business	84,740		
(3) State General Fund-Transfer-Alabama Film Commission	186,428		
(4) Federal, Local and Miscellaneous Funds		110,395	
Total Alabama Development Office	2,397,293	110,395	2,507,688
30. DISTRICT ATTORNEYS:			
(a) Court Operations Program			8,454,377
The proposed spending plan included in the above total is as follows:			
Salaries of District Attorneys 1,965,171			
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit 49,516			
For use of the Elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit 96,397			
Salaries and expenses of Supernumerary District Attorneys 852,881			
For use in the District Attorney's Office of the 1st Judicial Circuit 83,135			

For use in the District Attorney's Office of the 2nd Judicial Circuit 71,051

For use in the District Attorney's Office of the 3rd Judicial Circuit 111,841

For use in the District Attorney's Office of the 4th Judicial Circuit 329,889

For use in the District Attorney's Office of the 5th Judicial Circuit 261,534

For use in the District Attorney's Office of the 6th Judicial Circuit 228,396

For use in the District Attorney's Office of the 7th Judicial Circuit 146,056

For use in the District Attorney's Office of the 8th Judicial Circuit 109,178

For use in the District Attorney's Office of the 9th Judicial Circuit 103,404

For use in the District Attorney's Office of the 10th Judicial Circuit..... 350,746

For use in the District Attorney's Office of the 11th Judicial Circuit..... 89,833

For use in the District Attorney's Office of the 12th Judicial Circuit..... 191,621

For use in the District Attorney's Office of the 13th Judicial Circuit..... 336,934

For use in the District Attorney's Office of the 14th Judicial Circuit..... 94,632

For use in the District Attorney's Office of the 15th Judicial Circuit..... 334,225

For use in the District Attorney's Office of the 16th Judicial Circuit..... 152,126

For use in the District Attorney's Office of the 17th Judicial Circuit..... 57,700

For use in the District Attorney's Office of the 18th Judicial Circuit..... 168,258

For use in the District Attorney's Office of the 19th Judicial Circuit..... 99,893

For use in the District Attorney's Office of the 20th Judicial Circuit..... 146,405

For use in the District Attorney's Office of the 21st Judicial Circuit..... 111,586

For use in the District Attorney's Office of the 22nd Judicial Circuit..... 94,713

For use in the District Attorney's Office of the 23rd Judicial Circuit..... 245,404

For use in the District Attorney's Office of the 24th Judicial Circuit..... 88,756

For use in the District Attorney's Office of the 25th Judicial Circuit..... 84,313

For use in the District Attorney's Office of the 26th Judicial Circuit..... 148,831

For use in the District Attorney's Office of the 27th Judicial Circuit..... 112,972

For use in the District Attorney's Office of the 28th Judicial Circuit..... 108,894

For use in the District Attorney's Office of the 29th Judicial Circuit..... 142,720

For use in the District Attorney's Office of the 30th Judicial Circuit..... 143,646

For use in the District Attorney's Office of the 31st Judicial Circuit..... 87,055

For use in the District Attorney's Office of the 32nd Judicial Circuit..... 85,830

For use in the District Attorney's Office of the 33rd Judicial Circuit..... 80,642

For use in the District Attorney's Office of the 34th Judicial Circuit..... 43,139

For use in the District Attorney's Office of the 35th Judicial Circuit..... 58,551

For use in the District Attorney's Office of the 36th Judicial Circuit 71,495		
For use in the District Attorney's Office of the 37th Judicial Circuit 95,476		
For use in the District Attorney's Office of the 38th Judicial Circuit 108,468		
For use in the District Attorney's Office of the 39th Judicial Circuit 38,947		
Appropriations of Salaries of Personnel Established by Statute are estimated. Travel Expense of District Attorneys 72,117		
8,454,377		
SOURCE OF FUNDS:		
(1) State General Fund	8,454,377	
Total District Attorneys	8,454,377	8,454,377
31. ECONOMIC AND COMMUNITY AFFAIRS, DEPARTMENT OF:		
(a) State Planning Program		49,998,170
(b) Special Services program		23,056,200
(c) Skills Enhancement and Employment Opportunities Program		64,144,423
(d) Energy Management Program		4,400,732
(e) Traffic Control and Accident Prevention Program		2,611,228
(f) Law Enforcement Planning and Development Program		1,860,680
The appropriation to the Department of Economic and Community Affairs shall include a transfer to the State Personnel Department of $12,612.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer-State Planning and Federal Programs	2,898,136	
(2) State General Fund-Transfer-Energy Division	529,732	
(3) State General Fund-Transfer-Highway and Traffic Safety	168,378	
(4) State General Fund-Transfer-Law Enforcement Planning Division	239,338	

(5) Federal, Local and Miscellaneous Funds		142,235,849	
Total Department of Economic and Community Affairs	3,835,584	142,235,849	146,071,433
32. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
(a) Professional and Occupational Licensing and Regulation Program			296,579
The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Professional Engineers' Fund		296,579	
As provided in Title 34, Chapter 11, Section 36, 1975 Code of Alabama as amended.			
Total State Board of Registration for Professional Engineers and Land Surveyors		296,579	296,579
33. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program			7,604,113
The appropriation to the Department of Environmental Management shall include a transfer to the State Personnel Department of $11,609.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,049,318		
(2) Environmental Management Fund		5,554,795	
As provided in Title 22, Chapter 22A, Section 11, 1975 Code of Alabama as amended.			
Total Department of Environmental Management	2,049,318	5,554,795	7,604,113
34. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			196,940
The appropriation to the Ethics Commission shall include a			

transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) State General Fund	196,940		
Total Alabama Ethics Commission	196,940		196,940
35. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services program			188,106
The appropriation to the Farmers' Market Authority shall include a transfer to the State Personnel Department of $188.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer For Administration	73,106		
(2) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		115,000	
Total Farmers' Market Authority	73,106	115,000	188,106
36. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			2,513,273
(b) Administrative Support Services Program			3,509,445
The appropriation to the Finance Department shall include a transfer to the State Personnel Department of $32,943.			
SOURCE OF FUNDS:			
(1) State General Fund	6,008,335		
(2) Miscellaneous Funds		14,383	
Total Department of Finance	6,008,335	14,383	6,022,718
37. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			3,394,519
The appropriation to the Alabama Department of Forensic Sciences shall include a transfer to the State Personnel Department of $4,769.			
SOURCE OF FUNDS:			
(1) State General Fund	3,303,449		
(2) Federal, Local and Miscellaneous Funds		91,070	
Total Department of Forensic Sciences	3,303,449	91,070	3,394,519

38. FOREIGN TRADE RELATIONS COMMISSION:			
(a) Special Services Program			50,000
The appropriation to the Foreign Trade Relations Commission shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Foreign Trade Relations Commission	50,000		50,000
39. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund		17,900	
As provided in Title 34, Chapter 12, 1975 Code of Alabama.			
Total Alabama State Board of Registration for Foresters		17,900	17,900
40. FORESTRY COMMISSION, ALABAMA:			
(a) Regional Operations Program			7,669,682
(b) Forest Resource Planning and Development Program			2,701,191
(c) Executive Administration Program			387,111
(d) Administrative Services Program			1,562,313
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of $26,794.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,605,297		
(2) Federal and Local Funds		2,065,000	
(3) Forestry Commission Fund		2,650,000	
It is provided that in the event receipts into the Forestry Commission Fund relating to federal grants, county appropriations, acre assessments, seedling sales, timber sales, contributions, inter-department transfers, and			

reimbursements exceed amounts originally appropriated for these sources of funds, such excess receipts are hereby appropriated. Any such fund balances or encumbrance decreases relating to these receipts are hereby reappropriated. Of the above appropriations, $550,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission	7,605,297	4,715,000	12,320,297
41. FUNERAL SERVICES, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			98,000
SOURCE OF FUNDS:			
(1) Alabama Funeral Directors and Embalmers Fund		98,000	
As provided in Title 34, Chapter 13, 1975 Code of Alabama			
Total Alabama Board of Funeral Service		98,000	98,000
42. GEOLOGICAL SURVEY:			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.			2,002,470
The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of $3,828.			
SOURCE OF FUNDS:			
(1) State General Fund	1,172,165		
(2) Federal, Local and Miscellaneous Funds		830,305	
Total Geological Survey	1,172,165	830,305	2,002,470
43. GORGAS MEMORIAL BOARD:			
(a) Historical Resources Management Program			9,545
SOURCE OF FUNDS:			
(1) State General Fund	8,245		
As provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount.			
(2) Federal, Local and Miscellaneous Funds		1,300	

Total Gorgas Memorial Board....	8,245	1,300	9,545
44. GOVERNOR'S OFFICE:			
(a) Executive Direction Program .			1,215,176
The appropriation to the Governor's Office shall include a transfer to the State Personnel Department of $3,263.			
SOURCE OF FUNDS:			
(1) State General Fund.....	1,215,176		
Total Governor's Office.....	1,215,176		1,215,176
45. GOVERNOR'S OFFICE-LEGAL:			
(a) Executive Direction Program .			102,000
SOURCE OF FUNDS:			
(1) State General Fund.....	102,000		
Total Governor's Office-Legal	102,000		102,000
46. GOVERNOR'S CONTINGENCY FUND:			
(a) Executive Direction Program .			299,368
SOURCE OF FUNDS:			
(1) State General Fund.....	299,368		
Total Governor's Contingency Fund	299,368		299,368
47. GOVERNOR'S MANSION:			
(a) Executive Direction Program .	176,846		
SOURCE OF FUNDS:			
(1) State General Fund.....	176,846		
Total Governor's Mansion	176,846		176,846
48. GOVERNOR'S MANSION ADVISORY BOARD:			
(a) Historical Resources Management Program			8,500
SOURCE OF FUNDS:			
(1) State General Fund-Transfer .	8,500		
Total Governor's Mansion Advisory Board	8,500		8,500
49. GOVERNOR'S VOLUNTARY CITIZEN PARTICIPATION:			
(a) Executive Direction Program .			59,000
SOURCE OF FUNDS:			
(1) Federal Funds.....		59,000	
Total Governor's Voluntary Citizen Participation		59,000	59,000
50. HEALTH, DEPARTMENT OF PUBLIC:			

(a) Administrative Services Program			4,865,820
(b) Health Support Services Program			49,164,871
Of this amount $6,577,885 shall go to support local health department services of which $3,685,000 shall be used to provide a minimum staff in each of the sixty-seven counties, and the remaining amount shall be distributed on a one-to-one match with locally appropriated funds for the support of local health services on a per capita basis. At the end of the first quarter, any unmatched funds may be distributed to other counties with appropriate matching funds.			
(c) Clinical Health Services Program			36,995,590
The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of $113,764.			
SOURCE OF FUNDS:			
(1) State General Fund	15,197,417		
(2) Cigarette Tax-$.01		1,232,180	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(3) Cigarette Tax-$.02		2,064,334	
As provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama.			
(4) Vital Statistics Fund		1,553,786	
(5) Hospital Licensing Fund		205,000	
(6) Emergency Medical Services Fund		165,738	
As provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama.			
(7) Local Health Departments		31,770,925	
(8) Nuclear Monitoring Fund		90,000	
(9) Miscellaneous Funds		2,849,611	
(10) Federal Funds		35,897,290	
Total Department of Public Health	15,197,417	75,828,864	91,026,281
51. HEALTH PLANNING AND			

DEVELOPMENT AGENCY, STATE:			
(a) Health Planning, Development and Regulation Program			1,580,548
The appropriation to State Health Planning and Development Agency shall include a transfer to the State Personnel Department of $1,380.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	235,629		
(2) Federal, Local and Miscellaneous Funds		1,344,919	
Total State Health Planning and Development Agency	235,629	1,344,919	1,580,548
52. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			9,500
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		9,500	
As provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama.			
Total Alabama Board of Hearing Aid Dealers		9,500	9,500
53. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			97,552
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		97,552	
Total Board of Heating and Air Conditioning Contractors		97,552	97,552
54. ALABAMA HERITAGE TRUST FUND:			
(a) Alabama Heritage Trust Fund Expense Program			19,855
SOURCE OF FUNDS:			
(1) Heritage Trust Income		19,855	
Total Alabama Heritage Trust Fund		19,855	19,855
55. HIGHWAY DEPARTMENT:			

(a) Central Administration Program			8,028,851
(b) Division and District Supervision Program			15,150,539
(c) Operations & Support Services Program			6,351,192
(d) Maintenance Program			77,352,133
(e) Non-Programmatic Expenditures			41,220,821
Proposed Spending Plan for the above (e) includes the following: Debt Service 40,855,309			
Equipment - Other than Automotive 365,512			
(f) Construction-Federal Aid Program			352,789,516
Proposed Spending Plan for the above (f) includes the following: Federal Aid Matching 56,036,516			
Non-Participating Work on Federal Projects 1,000,000			
Federal Aid 295,753,000			
(g) Construction-State Program ..			5,000,000
(h) Operations-Land and Buildings			620,000
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of $230,789.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer .	75,000		
(2) Public Road and Bridge Fund		210,685,052	
(3) Federal Aid		295,753,000	
There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Corporation, a total of $40,855,309 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.			
The Highway Director with the consent of the Governor and the Finance Director shall have the			

authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department.

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full-

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the

portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.			
Total Highway Department	75,000	506,438,052	506,513,052
56. HISTORIC CHATTAHOOCHEE COMMISSION:			
(a) Historical Resources Management Program			112,729
SOURCE OF FUNDS:			
(1) State General Fund	59,929		
(2) Federal, Local and Miscellaneous Funds		52,800	
Total Historic Chattahoochee Commission	59,929	52,800	112,729
57. HISTORICAL COMMISSION, ALABAMA:			
(a) Historical Resources Management Program			2,364,177
The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of $2,447.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	522,908		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama 369,586			
Historical Commission, Alabama-La Grange 8,140			
Historical Commission, Alabama-Richmond P. Hobson Memorial Board 5,994			
Historical Commission, Alabama-Fort Morgan 105,938			
Historical Commission, Alabama-Fort Toulouse 21,250			
Historical Commission, Alabama-John T. Morgan House, Selma 12,000			
(2) Federal, Local and Miscellaneous Funds		1,841,269	
Total Alabama Historical Commission	522,908	1,841,269	2,364,177
58. INDUSTRIAL RELATIONS, DEPARTMENT OF:			

(a) Skills Enhancement and Employment Opportunities Program			16,877,311
(b) Unemployment Compensation Program			15,588,016
(c) Administrative Services Program			8,130,022
(d) Industrial Safety and Accident Prevention Program			4,822,611
(e) Employment and Social Opportunities Program			362,959
The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of $113,826.			
SOURCE OF FUNDS:			
(1) State General Fund	739,372		
(2) Federal, Local and Miscellaneous Funds		45,041,547	
Total Department of Industrial Relations	739,372	45,041,547	45,780,919
59. INSURANCE BOARD, STATE EMPLOYEES':			
(a) Administrative Support Services Program			71,941
The appropriation to the State Employees' Insurance Board shall include a transfer to the State Personnel Department of $126.			
SOURCE OF FUNDS:			
(1) State General Fund	71,941		
Total State Employees' Insurance Board	71,941		71,941
60. INSURANCE, DEPARTMENT OF:			
(a) Regulatory Services program			1,345,841
The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of $3,765.			
SOURCE OF FUNDS:			
(1) State General Fund	1,061,697		
(2) Fire Marshals' Fund		284,144	
As provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of $50,000 at the end of the fiscal year shall			

be transferred to the State General Fund.			
Total Department of Insurance ..	1,061,697	284,144	1,345,841
61. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			4,200
SOURCE OF FUNDS:			
(1) Interior Designers Fund		4,200	
Total Alabama State Board of Registration for Interior Designers		4,200	4,200
62. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program .			292,452
The appropriation to the Labor Department shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) State General Fund.....	249,452		
(2) Federal, Local and Miscellaneous Funds.....		43,000	
Total Department of Labor	249,452	43,000	292,452
63. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			10,975
SOURCE OF FUNDS:			
(1) Landscape Architects Fund...		10,975	
As provided in Title 34, Chapter 17, 1975 Code of Alabama.			
Total Board of Examiners of Landscape Architects.....		10,975	10,975
64. LIQUEFIED PETROLEUM GAS BOARD:			
(a) Regulatory Services Program .			212,000
The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of $502.			
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		212,000	
Total Liquefied Petroleum Gas Board		212,000	212,000

65. MEDICAID AGENCY, ALABAMA:			
(a) Medical Assistance through Medicaid Program			399,522,399
The appropriation to the Alabama Medicaid Agency shall include a transfer to the State Personnel Department of $13,114.			
SOURCE OF FUNDS:			
(1) State General Fund	94,419,133		
(2) Transfer from Pensions and Security		435,000	
(3) Transfer from Mental Health		13,609,728	
(4) Federal, Local and Miscellaneous Funds		291,058,538	
Total Alabama Medicaid Agency	94,419,133	305,103,266	399,522,399
66. MENTAL HEALTH, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			72,260,295
(b) Institutional Treatment and Care-Mental Retardation Program			58,294,033
(c) Institutional Treatment and Care-Criminally Insane Program			2,788,372
(d) Non-Institutional Treatment and Care-Program			12,312,541
(e) Administrative Services Program			3,774,313
(f) Community Mental Health Program			18,500,000
It is the intent of the Legislature that this appropriation be used to fund Community Mental Health Programs and that none of said appropriation be shifted to any other program. The appropriation herein provided shall be for the provision of community mental illness and substance abuse programs and services operated by Mental Health/Mental Retardation Boards created pursuant to Act 310 and certified by the Department of Mental Health. In the event that no such program is certified by the Department of Mental Health in a particular catchment area, funds under this appropriation may be expended			

through other certified community programs in said catchment area. Of the appropriation hereinabove made to the Community Mental Health Program, there shall be at least $6,260,000 expended for the treatment of rehabilitation for and education on alcohol and drug abuse. The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of $376,617.			
SOURCE OF FUNDS:			
(1) Special Mental Health Trust Fund		102,885,167	
For Operations and Maintenance of the State Mental Health Department including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals.			
(2) Special Mental Health Trust Fund-Community Programs		15,336,855	
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax - $.01		930,000	
(5) Cigarette Tax - $.02		4,825,000	
(6) Federal, Local and Miscellaneous Funds		42,952,532	
Total Department of Mental Health		167,929,554	167,929,554
67. MILITARY DEPARTMENT:			
(a) Military Operations Program			4,539,172
(b) Capital Outlay			374,500
The appropriation to the Military Department shall include a transfer to the State Personnel Department of $9,036.			
SOURCE OF FUNDS:			
(1) State General Fund-Operations	1,308,849		
(2) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than $4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters	1,139,255		
(3) State General Fund-Transfer-Capital Outlay for Architect and			

Engineering Services and specifications and construction of facilities	374,500		
(4) State General Fund-Active Military Service	161,000		
(5) State General Fund-Transfer to Armory Commission	1,925,068		
(6) State General Fund-Dropping Allowance	5,000		
Total Military Department	4,913,672		4,913,672
68. ARMORY COMMISSION OF ALABAMA:			
(a) Military Operations Program			3,088,943
SOURCE OF FUNDS:			
(1) Transfer from military Department		1,925,068	
(2) Federal, Local and Miscellaneous Funds		1,163,875	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities. Provided however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of $50,000 shall be transferred to the State General Fund.			
Total Armory Commission of Alabama		3,088,943	3,088,943
69. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
The appropriation to the Board of Examiners of Nursing Home Administrators shall include a transfer to the State Personnel Department of $63.			
SOURCE OF FUNDS:			

(1) Board of Examiners of Nursing Home Administrators Fund		40,000	
As provided in Title 34, Chapter 20, 1975 Code of Alabama.			
Total Board of Examiners of Nursing Home Administrators		40,000	40,000
70. OIL AND GAS BOARD:			
(a) Management and Regulation of Oil and Gas Exploration and Development Program			1,234,643
The appropriation to the Oil and Gas Board shall include a transfer to the State Personnel Department of $3,012.			
SOURCE OF FUNDS:			
(1) State General Fund.....	1,226,497		
(2) Federal, Local and Miscellaneous Fund		8,146	
Total Oil and Gas Board	1,226,497	8,146	1,234,643
71. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			6,831,119
The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of $15,248.			
SOURCE OF FUNDS:			
(1) State General Fund.....	5,388,321		
(2) Probationers Upkeep Fund ...		1,350,060	
(3) Federal, Local and Miscellaneous Funds.....		92,738	
Total Board of Pardons and Paroles.....	5,388,321	1,442,798	6,831,119
72. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:			
(a) Retirement Systems Program .			203,664
The appropriation to the Alabama Peace Officers' Annuity and Benefit Fund shall include a transfer to the State Personnel Department of $251.			
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama		203,664	

Total Alabama Peace Officers' Annuity and Benefit Fund	203,664	203,664
73. PENSIONS AND SECURITY, DEPARTMENT OF:		
(a) Economic Assistance Program		165,558,816
(b) Social Services Program		69,134,437
The appropriation to the Department of Pensions and Security shall include a transfer to the State Personnel Department of $253,065.		
SOURCE OF FUNDS:		
(1) Federal, Local and Miscellaneous Funds	152,756,189	
(2) ABC Profits	1,965,000	
(3) Whiskey Tax	21,000,000	
(4) Beer Tax	7,740,000	
(5) Pension Residue	12,500,000	
(6) Sales Tax	1,322,000	
(7) Franchise Tax	11,000,000	
(8) Contracts, Service Fees	150,000	
(9) Child Support Collections	2,840,064	
(10) Sales Tax for Food Stamps	16,000,000	
(11) Cigarette Tax	4,420,000	
(12) Contractor's Gross Receipts Tax	3,000,000	
Total Department of Pensions and Security	234,693,253	234,693,253
74. PERSONNEL DEPARTMENT, STATE:		
(a) Administrative Support Program		1,830,727
SOURCE OF FUNDS:		
(1) Transfer from Department of Aeronautics	314	
(2) Transfer from Commission on Aging	1,004	
(3) Transfer from Agriculture and Industries	28,551	
(4) Transfer from Agricultural Center Board	753	
(5) Transfer from Alcoholic Beverage Control Board	64,694	
(6) Transfer from Board of Registration for Architects	126	
(7) Transfer from Archives and History	2,886	

(8) Transfer from the Council on Arts and Humanities	627
(9) Transfer from the Office of the Attorney General	9,350
(10) Transfer from the State Auditor	1,569
(11) Transfer from State Banking Department	3,075
(12) Transfer from Finance-Alabama Building Authority	1,945
(13) Transfer from Finance-Alabama Building Finance Authority	1,694
(14) Transfer from Building Commission	1,192
(15) Transfer from Civil Air Patrol	63
(16) Transfer from Civil Defense Department	2,008
(17) Transfer from Local Civil Defense	725
(18) Transfer from Conservation Department	40,975
(19) Transfer from State Licensing Board for General Contractors	377
(20) Transfer from Department of Corrections	99,268
(21) Transfer from Board of Cosmetology	565
(22) Transfer from Criminal Justice Information Center	3,137
(23) Transfer from Alabama Development Office	2,133
(24) Transfer from State Docks	37,210
(25) Transfer from Education	80,255
(26) Transfer from the Department of Economic and Community Affairs	12,612
(27) Transfer from Board of Registration for Professional Engineers and Land Surveyors	251
(28) Transfer from Ethics Commission	502
(29) Transfer from Examiners of Public Accounts	8,220
(30) Transfer from Farmer's Market Authority	188
(31) Transfer from Finance Department	32,943

(32) Transfer from Firefighters Personnel Standards and Education Commission	188
(33) Transfer from Foreign Trade Commission	126
(34) Transfer from Department of Forensic Sciences	4,769
(35) Transfer from Forestry Commission	26,794
(36) Transfer from Geological Survey	3,828
(37) Transfer from Governor's Office	3,263
(38) Transfer from Department of Public Health	113,764
(39) Transfer from State Health Planning and Development Agency	1,380
(40) Transfer from Highway Department	230,789
(41) Transfer from Alabama Historical Commission	2,447
(42) Transfer from Industrial Relations	113,826
(43) Transfer from Insurance Department	3,765
(44) Transfer from State Employees' Insurance Board	126
(45) Transfer from Department of Labor	502
(46) Transfer from Legislative Reference Service	502
(47) Transfer from Liquefied Petroleum Gas Board	502
(48) Transfer from Alabama Medicaid Agency	13,114
(49) Transfer from Department of Mental Health	376,617
(50) Transfer from Military Department	9,036
(51) Transfer from Board of Nursing	816
(52) Transfer from Examiners of Nursing Home Administrators	63
(53) Transfer from Oil and Gas Board	3,012
(54) Transfer from Pardons and Paroles	15,248
(55) Transfer from Peace Officers'	

Annuity and Benefits Fund	251	
(56) Transfer from Peace Officers' Standards and Training Commission	188	
(57) Transfer from Department of Pensions and Security	253,065	
(58) Transfer from Physical Fitness Commission	251	
(59) Transfer from Board of Physical Therapy	63	
(60) Transfer from Public Library Service	3,765	
(61) Transfer from Department of Public Safety	74,294	
(62) Transfer from Public Service Commission	7,781	
(63) Transfer from Publicity and Information	3,514	
(64) Transfer from Alabama Public Television Network	5,271	
(65) Transfer from Real Estate Commission	941	
(66) Transfer from Retirement Systems	6,024	
(67) Transfer from Department of Revenue	62,372	
(68) Transfer from Secretary of State	1,694	
(69) Transfer from Securities Commission	1,318	
(70) Transfer from Board of Social Work Examiners	63	
(71) Transfer from Soil and Water Conservation Committee	314	
(72) Transfer from Surface Mining Reclamation Commission	2,949	
(73) Transfer from State Treasurer	2,698	
(74) Transfer from Department of Veterans Affairs	7,404	
(75) Transfer from Department of Youth Services	21,209	
(76) Transfer from Environmental Management	11,609	
Total State Personnel Department	1,830,727	1,830,727
75. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Pro-		

gram		39,918
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of $63.		
SOURCE OF FUNDS:		
(1) Physical Therapy Fund	39,918	
As provided in Title 34, Chapter 24, Article 5, 1975 Code of Alabama.		
Total Board of Physical Therapy	39,918	39,918
76. POLYGRAPH EXAMINERS, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		13,400
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	13,400	
As provided in Title 34, Chapter 25, Section 5, 1975 Code of Alabama as amended.		
Total Board of Polygraph Examiners	13,400	13,400
77. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		506,817
SOURCE OF FUNDS:		
(1) Office of Prosecution Services Fund	506,817	
Total Office of Prosecution Services	506,817	506,817
78. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Licensing and Regulation Program		24,970
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund	24,970	
As provided in Title 34, Chapter 26, 1975 Code of Alabama.		
Total Alabama Board of Examiners in Psychology	24,970	24,970
79. PUBLIC SAFETY, DEPARTMENT OF:		
(a) Traffic Control and Accident		

Prevention Program			18,301,344
(b) Criminal Investigation Program			3,915,914
(c) Driver's Licensing and Improvement Program			7,313,229
(d) Public Safety Support Services Program			5,495,399
(e) Administrative Services Program			1,820,223
(f) Alabama Criminal Justice Training Center Program			1,089,983
The appropriation to the Department of Public Safety shall include a transfer to the State Personnel Department of $74,294.			
SOURCE OF FUNDS:			
(1) State General Fund	37,936,092		
Total Department of Public Safety	37,936,092		37,936,092
80. PUBLIC SERVICE COMMISSION:			
(a) Administrative Services Program			1,333,806
(b) Regulatory Program			3,703,911
The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of $7,781.			
SOURCE OF FUNDS:			
(1) Public Service Commission Fund		4,866,282	
The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of $800,000 shall be transferred to the State General Fund.			
(2) Federal Funds		171,435	
Total Public Service Commission		5,037,717	5,037,717

81. PUBLICITY AND INFORMATION, BUREAU OF:			
(a) Tourism and Travel Promotion Program			2,391,867
The appropriation to the Bureau of Publicity and Information shall include a transfer to the State Personnel Department of $3,514.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	428,565		
(2) Lodgings Tax ($.01)		1,963,302	
Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama.			
Total Bureau of Publicity and Information	428,565	1,963,302	2,391,867
82. REAL ESTATE COMMISSION, ALABAMA:			
(a) Professional and Occupational Licensing and Regulation Program			605,428
The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of $941.			
SOURCE OF FUNDS:			
(1) Alabama Real Estate Commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated		605,428	
Total Alabama Real Estate Commission		605,428	605,428
83. REVENUE DEPARTMENT:			
(a) State Revenue Administration Program			33,508,572
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of $62,372.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments	250,000		

(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama	454,734
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	351,661
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections	206,146
(5) Transfer from the gross proceeds of Gasoline Tax Collections	2,352,490
(6) Transfer from the Income Tax Collections	7,842,644
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,358,140
(8) Transfer from the gross proceeds of Motor Vehicle License Collections	1,373,297
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	421,387
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,036,793
(11) Transfer from the gross proceeds of Sales Tax Collections	10,934,834
(12) Transfer from the gross proceeds of the Tobacco Tax Collections	2,234,260
(13) Transfer from the gross proceeds of Use Tax Collections	1,067,108
(14) Transfer from the gross proceeds of the Utility Tax Collections-as provided in Title 40, Chapter 21, 1975 Code of Alabama	700,290
(15) Local Funds	2,924,788

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, how-

ever, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Revenue Department	250,000	33,258,572	33,508,572
84. REVENUE - BOARDS OF EQUALIZATION:			
(a) State Revenue Administration Program			115,741
SOURCE OF FUNDS:			
(1) State General Fund	115,741		
Total Revenue-Boards of Equalization	115,741		115,741
85. REVENUE - MOTOR VEHICLE LICENSE:			
(a) State Revenue Administration Program			2,252,460
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,252,460	
Total Revenue-Motor Vehicle License		2,252,460	2,252,460
86. SECRETARY OF STATE:			
(a) Administrative Support Services Program			574,952
The appropriation to the Secretary of State shall include a transfer to the State Personnel Department of $1,694.			
SOURCE OF FUNDS:			
(1) State General Fund	574,952		
Total Secretary of State	574,952		574,952
87. SECURITIES COMMISSION:			
(a) Regulatory Services Program			695,343
The appropriation to the Securities Commission shall include a transfer to the State Personnel Department of $1,318.			
SOURCE OF FUNDS:			
(1) State General Fund	406,518		
(2) Industrial Development Bond Notification Fund		139,678	

(3) Sales of Checks License Fund		8,000	
(4) Exemption Fund		141,147	
Total Securities Commission	406,518	288,825	695,343
88. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			50,000
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of $63.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama		50,000	
Total Alabama State Board of Social Work Examiners		50,000	50,000
89. SOIL AND WATER CONSERVATION COMMITTEE, ALABAMA STATE:			
(a) Water Resources Development Program			754,702
The appropriation to Soil and Water Conservation Committee shall include a transfer to the State Personnel Department of $314.			
SOURCE OF FUNDS:			
(1) State General Fund	754,702		
Total Alabama State Soil and Water Conservation Committee	754,702		754,702
90. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			21,505
SOURCE OF FUNDS:			
(1) State General Fund	21,505		
Total Southern Growth Policies Board	21,505		21,505
91. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:			
(a) Tourism and Travel Promotion Program			302,600
SOURCE OF FUNDS:			
(1) State General Fund-Capital Outlay	302,600		

Total Alabama Space Science Exhibit Commission	302,600		302,600
92. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			17,600
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama		17,600	
Total Alabama Board of Examiners for Speech Pathology and Audiology		17,600	17,600
93. SPORTS HALL OF FAME:			
(a) Historical Resources Management Program			30,000
SOURCE OF FUNDS:			
(1) State General Fund	30,000		
Total Sports Hall of Fame	30,000		30,000
94. SURFACE MINING RECLAMATION COMMISSION:			
(a) Industrial Safety and Accident Prevention Program			5,864,400
The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of $2,949.			
SOURCE OF FUNDS:			
(1) Surface Mining Reclamation Commission Fund as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission		5,864,400	
Total Surface Mining Reclamation Commission		5,864,400	5,864,400
95. TANNEHILL HISTORICAL STATE PARK:			
(a) Historical Resources Manage-			

ment Program			562,500
SOURCE OF FUNDS:			
(1) State General Fund	212,500		
(2) Federal, Local and Miscellaneous Funds		350,000	
Total Tannehill Historical State Park	212,500	350,000	562,500
96. TENNESSEE-TOMBIBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			473,523
SOURCE OF FUNDS:			
(1) State General Fund	140,250		
As provided in Title 33, Chapter 8, 1975 Code of Alabama as amended.			
(2) Federal, Local and Miscellaneous Funds		333,273	
Total Tennessee-Tombigbee Waterway Development Authority	140,250	333,273	473,523
97. TREASURER, STATE:			
(a) Fiscal Management Program			1,311,960
The appropriation to the State Treasurer shall include a transfer to the State Personnel Department of $2,698.			
SOURCE OF FUNDS:			
(1) State General Fund	1,311,960		
Total State Treasurer	1,311,960		1,311,960
98. UNIFORM STATE LAWS, COMMISSION ON:			
(a) Special Services Program, Estimated			3,525
SOURCE OF FUNDS:			
(1) State General Fund	3,525		
As provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama.			
Total Commission on Uniform State Laws, Estimated	3,525		3,525
99. VETERANS AFFAIRS, DEPARTMENT OF:			
(a) Administration of Veterans Affairs Program			2,331,599
The appropriation to the Department of Veterans Affairs shall include a transfer to the State			

Personnel Department of $7,404.			
SOURCE OF FUNDS:			
(1) State General Fund	2,331,599		
Total Department of Veterans Affairs	2,331,599		2,331,599
100. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund		40,000	
As provided in Title 34, Chapter 29, 1975 Code of Alabama.			
Total Alabama State Board of Veterinary Medical Examiners		40,000	40,000
101. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Opportunities Program			7,650
SOURCE OF FUNDS:			
(1) State General Fund	7,650		
Total Alabama Women's Commission	7,650		7,650
102. WOMEN'S HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			10,200
SOURCE OF FUNDS:			
(1) State General Fund	10,200		
Total Alabama Women's Hall of Fame	10,200		10,200
D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:			
1. ADVERTISING LANDS FOR TAX SALE:			
(a) State Revenue Administration Program, Estimated			70,000
SOURCE OF FUNDS:			
(1) State General Fund	70,000		
Total Advertising Lands for Tax Sale	70,000		70,000
2. ARREST OF ABSCONDING FELONS:			

(a) Criminal Investigation Program, Estimated		65,000
SOURCE OF FUNDS:		
(1) State General Fund	65,000	
Total Arrest of Absconding Felons	65,000	65,000
3. AUTOMATIC APPEAL EXPENSE:		
(a) Legal Advice and Legal Service Program, Estimated		250
SOURCE OF FUNDS:		
(1) State General Fund	250	
As provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama		
Total Automatic Appeal Expense	250	250
4. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
5. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES-NATIONAL CEMETERY:		112,000
For the acquisition of land in accordance with P.L. 88-578 (Land and Water Conservation Fund Act). Property will be exchanged for space for National Cemetery.		
SOURCE OF FUNDS:		
(1) State General Fund	112,000	
Total Department of Conservation and Natural Resources-National Cemetery	112,000	112,000
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund	250,000	
As provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama.		
Total Consumer Utility Rate		

Hearing	250,000	250,000
7. COURT COSTS-ACT NO. 558, 1957:		
(a) Court Operations Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Pursuant to Act No. 558, 1957, page 777.		
Total Court Costs-Act No. 558, 1957	100	100
8. COURT - ASSESSED COST NOT OTHERWISE PROVIDED FOR:		
(a) Court Operations Program Estimated		1,731,685
SOURCE OF FUNDS:		
(1) State General Fund	1,731,685	
Total Court-Assessed Cost Not Otherwise Provided For	1,731,685	1,731,685
9. DISTRIBUTION OF PUBLIC DOCUMENTS:		
(a) Administrative Support Service Program, Estimated		45,000
SOURCE OF FUNDS:		
(1) State General Fund	45,000	
Total Distribution of Public Documents	45,000	45,000
10. ELECTION EXPENSES:		
(a) Special Services Program, Estimated		1,410,000
SOURCE OF FUNDS:		
(1) State General Fund	1,410,000	
Total Election Expenses	1,410,000	1,410,000
11. EMERGENCY FUND, DEPARTMENTAL:		
(a) Special Services Program		495,000
SOURCE OF FUNDS:		
(1) State General Fund	495,000	
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, 1975 Code of Alabama, and shall be the only amount appropriated and the total amount expended under the provisions of said section.)		
Total Departmental Emergency		

Fund	495,000	495,000
12. FEEDING OF PRISONERS:		
(a) Institutional Services-Corrections Program, Estimated		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund	3,500,000	
For expenses of feeding prisoners in county jails		
Total Feeding of Prisoners	3,500,000	3,500,000
13. DEPARTMENT OF FINANCE-CAPITAL MOVING EXPENSES, ESTIMATED:		
To be utilized to move all occupants in the State Capitol Building		1,800,000
SOURCE OF FUNDS:		
(1) State General Fund	1,800,000	
Total Department of Finance-Capitol Moving Expenses, Estimated	1,800,000	1,800,000
14. DEPARTMENT OF FINANCE-FEMA, ESTIMATED:		
Payments of the State's share of Administration costs and matching grants furnished by the Federal Emergency Management Agency		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Department of Finance-FEMA, Estimated	1,000,000	1,000,000
15. DEPARTMENT OF FINANCE-TELEPHONE REVOLVING FUND:		400,000
SOURCE OF FUNDS:		
(1) State General Fund	400,000	
Total Department of Finance-Telephone Revolving Fund	400,000	400,000
16. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resource Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer-As provided by Title 9, Chapter 30, Section 10, 1975 Code of Alabama	180,000	
Total Emergency Forest Fire Fund	180,000	180,000
17. GOVERNORS' CONFER-		

ENCE, NATIONAL:		
(a) Executive Direction Program		75,550
SOURCE OF FUNDS:		
(1) State General Fund	75,550	
Total National Governors' Conference	75,550	75,550
18. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program		19,700
SOURCE OF FUNDS:		
(1) State General Fund	19,700	
As provided in Title 36, Chapter 13, Section 13, 1975 Code of Ala.		
Total Governor's Councillor	19,700	19,700
19. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Governor's Proclamation Expenses	150,000	150,000
20. GOVERNOR'S WIDOWS RETIREMENT:		
(a) Executive Direction Program		14,400
SOURCE OF FUNDS:		
(1) State General Fund	14,400	
Total Governor's Widows Retirement	14,400	14,400
21. INTERPRETER'S ACCOUNT:		
(a) Court Support Services Program, Estimated		1,700
SOURCE OF FUNDS:		
(1) State General Fund	1,700	
As provided in Title 12, Chapter 21, Sections 131-134, 1975 Code of Alabama.		
Total Interpreter's Account	1,700	1,700
22. LAW ENFORCEMENT FUND:		
(a) Criminal Investigation Program		100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	100	
Total Law Enforcement Fund	100	100
23. LAW ENFORCEMENT LE-		

GAL DEFENSE:		
(a) Legal Advice and Legal Services Program		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
To carry out provisions of Title 36, Chapter 21, Section 1, 1975 Code of Alabama.		
Total Law Enforcement Legal Defense	3,000	3,000
24. MAILING TAX NOTICES:		
(a) State Revenue Administration Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
Total Mailing Tax Notices	100	100
25. MENTAL HEALTH TRUST FUND, ALABAMA SPECIAL:		35,000,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	35,000,000	
Total Alabama Special Mental Health Trust Fund	35,000,000	35,000,000
26. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Policeman's Survivor Tuition Act	5,000	5,000
27. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administration of Public Documents Program, Estimated		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Presidential Electoral Expense	1,000	1,000
28. PRINTING OF CODE SUPPLEMENT-LEGISLATIVE REFERENCE SERVICE:		
(a) Administration of Public Documents Program, Estimated		350,000
SOURCE OF FUNDS:		
(1) State General Fund	350,000	
Total Printing of Code Supplement-Legislative Reference Ser-		

vice	350,000	350,000
29. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administration of Public Documents Program, Estimated		150,000
SOURCE OF FUNDS:		
(1) State General Fund	150,000	
Total Printing Codes and Supplements-Secretary of State	150,000	150,000
30. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		410,000
SOURCE OF FUNDS:		
(1) State General Fund	410,000	
Total Printing of Legislative Acts and Journals	410,000	410,000
31. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
32. PUBLIC DEFENDER:		
(a) Court Operations Program, Estimated		55,000
SOURCE OF FUNDS:		
(1) State General Fund	55,000	
For salary of Public Defender for the 21st Judicial Circuit, as provided by Title 15, Chapter 12, Section 43, 1975 Code of Alabama.		
Total Public Defender	55,000	55,000
33. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
Total Registration of Voters	1,000,000	1,000,000
34. REMOVAL OF PRISONERS:		
(a) Administrative Services and		

Logistical Support Program, Estimated			200,000
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total Removal of Prisoners	200,000		200,000
35. SOCIAL SECURITY-COUNTY JUDICIAL:			
(a) Fringe Benefit Program, Estimated			300,000
SOURCE OF FUNDS:			
(1) State General Fund	300,000		
Total Social Security-County Judicial	300,000		300,000
36. STATE GENERAL FUND, ESTIMATED:			66,680,284
SOURCE OF FUNDS:			
(1) Heritage Trust Income Fund Transfer. All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.			
Estimated		66,680,284	
Total State General Fund, Estimated		66,680,284	66,680,284
37. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:			
(a) Special Services Program, Estimated			250,000
SOURCE OF FUNDS:			
(1) State General Fund	250,000		
Total State Treasurer-Previous Year's Unpaid Warrants	250,000		250,000
38. RECREATION CAPITAL DEVELOPMENT FUND, ALABAMA:			50,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	50,000		
Total Alabama Recreation Capital Development Fund	50,000		50,000
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:			
1. ANNISTON SUBREGIONAL LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED:			
(a) Public Library Services Program			4,500

SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Anniston Subregional Library for the Blind and Physically Handicapped	4,500	4,500
2. APPALACHIAN REGIONAL COMMISSION:		
(a) Planning Program		189,970
SOURCE OF FUNDS:		
(1) State General Fund	189,970	
Total Appalachian Regional Commission	189,970	189,970
3. ARMED FORCES DAY IN ALABAMA:		
(a) Historical Resources Management Program		836
SOURCE OF FUNDS:		
(1) State General Fund	836	
Total Armed Forces Day in Alabama	836	836
4. ARMY AVIATION MUSEUM, FORT RUCKER, AL:		
(a) Historical Resources Management Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Army Aviation Museum, Fort Rucker, AL	75,000	75,000
5. ARTS HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		4,500
SOURCE OF FUNDS:		
(1) State General Fund	4,500	
Total Alabama Arts Hall of Fame	4,500	4,500
6. AZALEA TRAIL FESTIVAL, MOBILE:		
(a) Tourism and Travel Promotion Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
Total Mobile Azalea Trail Festival	1,556	1,556
7. BIG NANCE CREEK WATER MANAGEMENT DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		

(1) State General Fund	1,400	
Total Big Nance Creek Water Management District	1,400	1,400
8. BIRMINGHAM CHAMBER MUSIC SOCIETY:		
(a) Fine Arts Program		1,556
SOURCE OF FUNDS:		
(1) State General Fund	1,556	
Total Birmingham Chamber Music Society	1,556	1,556
9. BIRMINGHAM FESTIVAL OF ARTS, INC.:		
(a) Fine Arts Program		15,230
SOURCE OF FUNDS:		
(1) State General Fund	15,230	
Total Birmingham Festival of Arts, Inc.	15,230	15,230
10. BIRMINGHAM INTERNATIONAL EDUCATIONAL FILM FESTIVAL:		
(a) Fine Arts Program		7,500
SOURCE OF FUNDS:		
(1) State General Fund	7,500	
Total Birmingham International Educational Film Festival	7,500	7,500
11. BLUE AND GRAY ASSOCIATION, INC.:		
(a) Tourism and Travel Promotion Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Blue and Gray Association, Inc.	5,602	5,602
12. CHILTON COUNTY PEACH FESTIVAL:		
(a) Tourism and Travel Promotion Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Chilton County Peach Festival	11,250	11,250
13. CHOCCOLOCCO CREEK WATERSHED ASSOCIATION:		
(a) Water Resource Development Program		2,183
SOURCE OF FUNDS:		

(1) State General Fund	2,183	
Total Choccolocco Creek Watershed Association	2,183	2,183
14. CIVIL AIR PATROL:		
(a) Readiness and Recovery Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Civil Air Patrol	40,000	40,000
15. COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION:		
(a) Water Resource Development Program		7,784
SOURCE OF FUNDS:		
(1) State General Fund	7,784	
Total Coosa-Alabama River Improvement Association	7,784	7,784
16. COOSA RIVER ACTION COUNCIL, INC.:		
(a) Water Resource Development Program		6,221
SOURCE OF FUNDS:		
(1) State General Fund	6,221	
Total Coosa River Action Council, Inc.	6,221	6,221
17. DEEP SEA FISHING RODEO, ALABAMA:		
(a) Tourism and Travel Promotion Program		935
SOURCE OF FUNDS:		
(1) State General Fund	935	
Total Alabama Deep Sea Fishing Rodeo	935	935
18. DORSE, MARY E., RECREATIONAL AND EDUCATIONAL CENTER:		
(a) Special Services Program		3,638
SOURCE OF FUNDS:		
(1) State General Fund	3,638	
Total Mary E. Dorse Recreational and Educational Center	3,638	3,638
19. DYNNE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400

SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Dynne Creek Watershed Conservancy District	1,400	1,400
20. EAST ALABAMA CHILD DEVELOPMENT PROGRAM:		
(a) Financial Assistance Program		325,000
SOURCE OF FUNDS:		
(1) State General Fund	325,000	
Total East Alabama Child Development Program	325,000	325,000
21. ELK RIVER DEVELOPMENT AGENCY:		
(a) Water Resource Development Program		4,656
SOURCE OF FUNDS:		
(1) State General Fund	4,656	
Total Elk River Development Agency	4,656	4,656
22. ENERGY BOARD, SOUTHERN STATES:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		20,536
SOURCE OF FUNDS:		
(1) State General Fund	20,536	
Total Southern States Energy Board	20,536	20,536
23. FOREST FESTIVAL, ALABAMA:		
(a) Forest Information and Education Program		4,610
SOURCE OF FUNDS:		
(1) State General Fund	4,610	
Total Alabama Forest Festival	4,610	4,610
24. GULF SHORES TOURIST ASSOCIATION:		
(a) Tourism and Travel Promotion Program		8,398
SOURCE OF FUNDS:		
(1) State General Fund	8,398	
Total Gulf Shores Tourist Association	8,398	8,398
25. GUNTERSVILLE BOAT RACES:		
(a) Tourism and Travel Promotion		

Program		9,068
SOURCE OF FUNDS:		
(1) State General Fund	9,068	
Total Guntersville Boat Races	9,068	9,068
26. HANK WILLIAMS MEMORIAL ASSOCIATION:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Hank Williams Memorial Association	3,110	3,110
27. HELEN KELLER PROPERTY BOARD:		
(a) Historical Resources Management Program		26,250
SOURCE OF FUNDS:		
(1) State General Fund	26,250	
Total Helen Keller Property Board	26,250	26,250
28. INTERSTATE MINING COMMISSION:		
(a) Planning Program		8,838
SOURCE OF FUNDS:		
(1) State General Fund	8,838	
Total Interstate Mining Commission	8,838	8,838
29. JUNIOR MISS PAGEANT, INC., AMERICA'S:		
(a) Tourism and Travel Promotion Program		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total America's Junior Miss Pageant, Inc.	50,000	50,000
30. KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Ketchepedrakee Creek Watershed Conservancy District	1,400	1,400
31. LAKE EUFAULA SUMMER SPECTACULAR:		
(a) Tourism and Travel Promotion		

Program		5,602
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Lake Eufaula Summer Spectacular	5,602	5,602
32. LANDMARKS FOUNDATION, INC.:		
(a) Historical Resources Management Program		5,625
SOURCE OF FUNDS:		
(1) State General Fund	5,625	
Total Landmarks Foundation, Inc.	5,625	5,625
33. MOBILE AREA MARDI GRAS ASSOCIATION:		
(a) Tourism and Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	
Total Mobile Area Mardi Gras Association	2,800	2,800
34. MOBILE CARNIVAL ASSOCIATION:		
(a) Tourism and Travel Promotion Program		2,800
SOURCE OF FUNDS:		
(1) State General Fund	2,800	
Total Mobile Carnival Association	2,800	2,800
35. MOBILE EXPLOREUM-MEDICAL:		
(a) Educational Museum Services Program		13,000
SOURCE OF FUNDS:		
(1) State General Fund	13,000	
Total Mobile Exploreum-Medical	13,000	13,000
36. MOTOR SPORTS HALL OF FAME:		
(a) Tourism and Travel Promotion Program		75,000
SOURCE OF FUNDS:		
(1) State General Fund	75,000	
Total Motor Sports Hall of Fame	75,000	75,000
37. MOUNTAIN LAKES TOURIST ASSOCIATION, ALABAMA:		
(a) Tourism and Travel Promotion Program		14,306

SOURCE OF FUNDS:		
(1) State General Fund	14,306	
Total Mountain Lakes Tourist Association, Alabama	14,306	14,306
38. MUSIC HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		18,750
SOURCE OF FUNDS:		
(1) State General Fund	18,750	
Total Alabama Music Hall of Fame	18,750	18,750
39. PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Pea River Historical and Genealogical Society	3,110	3,110
40. PEA RIVER WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Pea River Watershed Conservancy District	1,400	1,400
41. PEANUT FESTIVAL ASSOCIATION, INC., NATIONAL:		
(a) Tourism and Travel Promotion Program		8,250
SOURCE OF FUNDS:		
(1) State General Fund	8,250	
Total National Peanut Festival Association, Inc.	8,250	8,250
42. PIKE COUNTY PIONEER MUSEUM ASSOCIATION:		
(a) Historical Resources Management Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Pike County Pioneer Museum Association	3,110	3,110
43. RIVERBOAT COMMISSION, INC., MONTGOMERY:		
(a) Tourism and Travel Promotion		

Program		9,000
SOURCE OF FUNDS:		
(1) State General Fund	9,000	
Total Montgomery Riverboat Commission	9,000	9,000
44. SAFE PLACE:		
(a) Social Services Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
Total Safe Place	15,000	15,000
45. SENIOR BOWL-MOBILE:		
(a) Tourism and Travel Promotion Program		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Senior Bowl-Mobile	25,000	25,000
46. SHELBY COUNTY HISTORICAL ASSOCIATION:		
(a) Historical Resources Management Program		8,750
SOURCE OF FUNDS:		
(1) State General Fund	8,750	
Total Shelby County Historical Association	8,750	8,750
47. SICKLE CELL EDUCATION PROGRAM:		
(a) East Alabama Sickle Cell		62,500
(b) Jefferson County Sickle Cell		100,000
(c) Mobile Sickle Cell		70,000
SOURCE OF FUNDS:		
(1) State General Fund	232,500	
Total Sickle Cell Education Program	232,500	232,500
48. SOUTHERN CENTER FOR INTERNATIONAL STUDIES, ANNUAL MEMBERSHIP:		
(a) Special Services Program		18,750
SOURCE OF FUNDS:		
(1) State General Fund	18,750	
Total Southern Center for International Studies, Annual Membership	18,750	18,750
49. SOUTHERN CHAMPIONSHIP CHARITY HORSE-SHOW:		
(a) Tourism and Travel Promotion		

Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Southern Championship Charity Horseshow	3,110	3,110
50. SPIRIT OF AMERICA FESTIVAL, INC.		
(a) Tourism and Travel Promotion Program		2,801
SOURCE OF FUNDS:		
(1) State General Fund	2,801	
Total Spirit of America Festival, Inc.	2,801	2,801
51. STEER SHOW ASSOCIATION, ALABAMA STATE:		
(a) Agricultural Development Services Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Alabama State Steer Show Association	11,250	11,250
52. TALLACOOSA HIGHLAND LAKES ASSOCIATION:		
(a) Tourism and Travel Promotion Program		5,601
SOURCE OF FUNDS:		
(1) State General Fund	5,602	
Total Tallacoosa Highland Lakes Association	5,602	5,602
53. TALLASSEEHATCHIE CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,237
SOURCE OF FUNDS:		
(1) State General Fund	1,237	
Total Tallasseehatchie Creek Watershed Conservancy District	1,237	1,237
54. TENNESSEE RIVER VALLEY ASSOCIATION:		
(a) Water Resource Development Program		8,708
SOURCE OF FUNDS:		
(1) State General Fund	8,708	
Total Tennessee River Valley Association	8,708	8,708
55. TENNESSEE VALLEY PUB-		

LICITY AND IMPROVEMENT ASSOCIATION:		
(a) Tourism and Travel Promotion Program		24,881
SOURCE OF FUNDS:		
(1) State General Fund	24,881	
Total Tennessee Valley Publicity and Improvement Association	24,881	24,881
56. TERRAPIN CREEK WATERSHED CONSERVANCY DISTRICT:		
(a) Water Resource Development Program		1,400
SOURCE OF FUNDS:		
(1) State General Fund	1,400	
Total Terrapin Creek Watershed Conservancy District	1,400	1,400
57. TRAVEL COUNCIL, ALABAMA:		
(a) Tourism and Travel Promotion Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Alabama Travel Council	40,000	40,000
58. TRI-RIVERS WATERWAY DEVELOPMENT ASSOCIATION:		
(a) Water Resource Development Program		16,794
SOURCE OF FUNDS:		
(1) State General Fund	16,794	
Total Tri-Rivers Waterway Development Association	16,794	16,794
59. VESTAVIA HILLS DOGWOOD FESTIVAL AND TRAIL:		
(a) Tourism and Travel Promotion Program		1,500
SOURCE OF FUNDS:		
(1) State General Fund	1,500	
Total Vestavia Hills Dogwood Festival and Trail	1,500	1,500
60. VETERANS DAY IN ALABAMA:		
(a) Historical Resources Management Program		1,244
SOURCE OF FUNDS:		

(1) State General Fund	1,244	
Total Veterans Day in Alabama	1,244	1,244
61. VETERANS DAY COMMITTEE, NATIONAL:		
(a) Historical Resources Management Program		4,358
SOURCE OF FUNDS:		
(1) State General Fund	4,358	
Total National Veterans Day Committee	4,358	4,358
62. W. C. HANDY PROPERTY BOARD:		
(a) Historical Resources Management Program		10,125
SOURCE OF FUNDS:		
(1) State General Fund	10,125	
Total W. C. Handy Property Board	10,125	10,125
63. Y.M.C.A. YOUTH LEGISLATURE:		
(a) Special Services Program		11,250
SOURCE OF FUNDS:		
(1) State General Fund	11,250	
Total Y.M.C.A. Youth Legislature	11,250	11,250
64. GENEVA COUNTY TOMATO FESTIVAL:		
(a) Tourism and Travel Promotion Program		3,110
SOURCE OF FUNDS:		
(1) State General Fund	3,110	
Total Geneva County Tomato Festival	3,110	3,110
65. ST. CLAIR COUNTY HISTORICAL SOCIETY:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total St. Clair County Historical Society	5,000	5,000
66. BEACON HOUSE-JASPER:		
(a) Social Services Program		22,500
SOURCE OF FUNDS:		
(1) State General Fund	22,500	
Total Beacon House-Jasper	22,500	22,500
67. CHILTON COUNTY HIS-		

TORICAL SOCIETY:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
Total Chilton County Historical Society	5,000	5,000
68. GRAND BAY WATERMELON FESTIVAL:		
(a) Special Services Program		1,125
SOURCE OF FUNDS:		
(1) State General Fund	1,125	
Total Grand Bay Watermelon Festival	1,125	1,125
69. BAYOU LA BATRE SEAFOOD FESTIVAL:		
(a) Special Services Program		1,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000	
Total Bayou La Batre Seafood Festival	1,000	1,000
70. CITRONELLE OIL BOWL:		
(a) Special Services Program		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Total Citronelle Oil Bowl	500	500
71. CULTURE IN BLACK AND WHITE, INC.:		
(a) Special Services Program		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
Total Culture in Black and White, Inc.	2,500	2,500
72. CLEVELAND AVENUE BRANCH-YMCA IN MONTGOMERY:		
(a) Special Services Program		5,005
SOURCE OF FUNDS:		
(1) State General Fund	5,005	
Total Cleveland Avenue Branch-YMCA in Montgomery	5,005	5,005
F. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series A and		

B, Estimated		1,371,308
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,371,308	
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated	1,371,308	1,371,308
2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,020,797
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,020,797	
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,020,797	1,020,797
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,405,100
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	4,405,100	
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,405,100	4,405,100
4. Inland Waterway Improvement Bonds, Series A, Estimated		179,912
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	179,912	
Total Inland Waterway Improvement Bonds, Series A, Estimated	179,912	179,912
5. Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated		4,163,661
SOURCE OF FUNDS:		
(1) State General Fund-Transfer Estimated pursuant to Constitutional Amendment No. CCLXX as provided in Act No. 248, 1967 Regular Session	4,163,661	
Total Tennessee-Tombigbee Waterway Bonds, Series A-D, Estimated	4,163,661	4,163,661
6. Corrections Institution Bonds, Estimated		1,054,062
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,054,062	
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second		

Special Session.		
Total Corrections Institution Bonds, Estimated	1,054,062	1,054,062
7. General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		55,309,820
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	55,309,820	
Total General Obligation Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	55,309,820	55,309,820

Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 41, Chapter 4, Article 4, Sections 80-96, 1975 Code of Alabama and the Budget Management Act of 1976, Title 41, Chapter 19, Sections 1 through 12, 1975 Code of Alabama as amended.

Section 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office of officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be ex-

pended through the fund established by the Code of Alabama 1975 §41-5-24.

Section 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor.

Section 7. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 10. That this Act shall become effective October 1, 1983.

And the substitute was adopted.

Yeas 83; Nays 3.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Grimsley, Grouby, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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Nays: Reps. Adams, Brakefield and Manley. —3

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Kvalheim been present at the time of voting, he would have voted "Yea" on the bill, H. 163 as amended.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on June 14, 1983.

H. J. R. 248

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Carothers and pursuant to the resolution, H. R. 255, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, June 16, 1983.

EIGHTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, June 16, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Houston C. Yohn, Pastor, Mt. Moriah Baptist Church and Harmony Baptist Church, Troy, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.

LEAVES OF ABSENCE

At the request of Rep. Casey, leave of absence was granted for Rep. Bryant. At the request of Rep. Manley, leave of absence was granted for Rep. Crow.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventeenth legislative day and finds the same to be correct.

JOHN CASEY,
Chairman.

On motion of Rep. Casey, the rules were suspended and the reading at length of the Journal of the House for the seventeenth legislative day was dispensed with and the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventeenth legislative day was approved.

BILLS ON SECOND READING

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 752. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Rep. Biddle, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 681. To amend § 34-23-116, Code of Alabama of 1975, relating to exemptions from the "Third Party Prescription Program Act" in Title 34, Chapter 23, Article 5, Code of Alabama of 1975, so as to provide for exemption of services reimbursed by non-profit corporations organized under Title 10, Chapter 4, Article 6, Code of Alabama of 1975, to establish and operate health care service plans.

H. 730. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interest on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with

amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 614. (With Amendment): To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information so as to change the name to the bureau of tourism and travel.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 724. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

H. 758. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interest on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

H. 661. To amend sections 11-19-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans—for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 712. (With Substitute): To amend Section 36-25-1, Code of Alabama 1975, which defines certain terms pursuant to the Code of Ethics, so as to provide further for the definition of "public employee."

Rep. Blake, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 735. To amend Section 36-25-4 of the Code of Alabama, 1975, relating to powers and duties of the state ethics commission so as to remove the prohibition against investigating anonymous complaints and certain other complaints; prohibits witnesses, complainants or informants from

making public statements until an investigation is complete; and grants subpoena power to the commission.

H. 736. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of $1,000 for failure to file the appropriate disclosure statement.

H. 738. To amend Code of Alabama, 1975, Section 36-25-15, so as to require financial disclosure from candidates for all elective public office and nominees for appointive public office other than board members.

H. 739. To amend Code of Alabama, Section 36-25-1, so as to delete the definition of "Legislative Employee;" add the definition of "Statement of Economic Interests;" redefine "Public Employee" and "Public Official;" and include additional information regarding financial disclosure by certain public officials and employees and candidates for public office as shown in Sections 36-25-14 and 15, Code of Alabama, 1975.

H. 660. To authorize the West Alabama District Board of Health (said Board being the combined Boards of Health of the following counties: Bibb, Fayette, Hale, Greene, Lamar, Pickens and Tuscaloosa) to designate the services rendered by the local Health Department for which a reasonable fee may be charged. The West Alabama District Board of Health is further required to set a maximum fee for each service. The local health department may charge and collect such fees. No citizen shall be deprived of any service because that person is indigent.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 245. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

H. 239. To make appropriations for the support and maintenance of the Talladega College.

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

H. 708. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

Rep. Coburn, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 534. (With Substitute): To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

H. 535. (With Substitute): To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Rep. Langford, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

H. 648. To amend Section 1 of Act 81-719 relating to legal expense insurance and to Legal Service Insurance Corporations.

H. 611. To amend Section 3-1-13, Code of Alabama 1975, relating to the powers of any town or municipality to take or otherwise dispose of certain abused and neglected animals so as to provide further therefor; to authorize any town or municipality to contract with humane societies, under certain conditions, for such services; to provide for a district court hearing on the merits of the taking or disposal of such animal; to provide for the continuation of certain police powers in such matters; and to provide for recovery of certain costs.

S. 87. To amend Section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 741. To reverse the numbers of House Districts 21 and 20 as designated in Section 1 of Act No. 83-154, H. 1, Second Special Session, 1983, approved February 23, 1983.

H. 731. To empower the county governing bodies of the several coastal counties of this state which border on the Gulf of Mexico with certain land use planning and zoning authority in unincorporated areas of such counties which qualify as resort areas under Section 11-88-40 of the Code of Alabama 1975.

S. 49. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

S. 50. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 68. (With Amendment): To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

Rep. Martin, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Rep. Horn, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 416. (With Substitute): Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Rep. Brakefield, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 749. (With Amendment): To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Rep. Albright, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the follow-

ing bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 746. To authorize and empower the governing body of the City of Montgomery, Alabama to promulgate and enforce minimum standards for the operation of veterinary clinics and animal hospitals.

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

SPECIAL ORDER

The House proceeded to the consideration of the bills on the Special Order Calendar which was adopted on the seventeenth legislative day.

And the bill:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Was taken up.

AMENDMENT OFFERED

Rep. Starr offered the following amendment to the bill, H. 236 as amended:

Amend Substitute to H. B. 236 on page 111, after line 14 by deleting the following:

~~"68. CLEVELAND AVENUE BRANCH Y.M.C.A. IN MONTGOMERY~~		
~~(a) Special Services Program~~		~~5,005~~
~~SOURCE OF FUNDS:~~		
~~(1) State General Fund~~	~~5,005~~	
~~Total Cleveland Avenue Branch YMCA in Montgomery~~	~~5,005~~	~~5,005~~

Further amend Substitute to H. B. 236 in Section 2,E (43) on page 104 by deleting lines 20 through 27 in their entirety and inserting the following:

43. RIVERBOAT COMMISSION, INC., MONTGOMERY		
(a) Tourism and Travel Promotion Program		14,005
SOURCE OF FUNDS:		
(1) State General Fund	14,005	
Total Montgomery Riverboat Commission	14,005	14,005

And the amendment was adopted.

Yeas 26; Nays 9.

Yeas:

Reps.: Ashley, Blakeney, Butler, Carter, Casey, Goodwin, Grimsley, Hammett, Howard, Johnson (Roy), Lauderdale, McMillan, Mathis, Melton, Minus, Mitchell, Preuitt, Rains, Richardson, Starkey, Starr, White (F), Williams, Wilson, Wright and Zoghby.

—26

Nays:

Reps. Brakefield, Davis, Drinkard, Holley, Junkins, Langford, Newman, Rogers and Scott.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 764. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, deliv-

ery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and others to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Judiciary.

By Rep. Poole:

H. 765. To appropriate $10,000 from the general fund to the Department of Public Health for the purchase of rubella vaccine to be administered for the purpose of preventing birth defects; to grant immunity to public employees administering such vaccine; and to authorize the charging of fees for such immunizations.

Ways and Means.

By Rep. Martin:

H. 766. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Health.

By Rep. Sasser:

H. 767. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

Health.

By Reps. Rains, Reed, Casey, Preuitt, Turnham, Coleman, Laird, Johnson (RG), Blake, Grimsley, Hammett, White (L), Mathis, Carothers, Owens, Drinkard, Martin, Layton, Seibels, Howard, Smith, Clark,

Thornton and Holmes:

H. 768. To amend section 16-33-4, Code of Alabama 1975, relating to the Educational Benefits for Dependents of Blind Parents so as to eliminate the family income monetary restrictions used to determine the dependents' eligibility for nonpayment of instructional tuition or fees.

Ways and Means.

H. 236 RESUMED

AMENDMENT OFFERED

Rep. Sasser offered the following amendment to the bill, H. 236 as amended:

Amend House Bill 236 as Substituted on page 54a, lines 23 and 24, by deleting the words "Community Mental Health Program" and inserting in lieu thereof the words:

Department of Mental Health

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Flowers, Goodwin, Grimsley, Hammett, Harper, Hettinger, Howard, Johnson, (R. G.), Johnson (Roy), Junkins, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Thomas, Turner, Turnham, White (F), White (L), Wilson and Wright.

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AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 236 as amended:

Amend HB 236 as substituted on page 104 after line 32 by adding the following sentence:

"The above appropriation to Safe Place is conditioned on the provision that Safe Place does not apply for and does not receive any funds under the provisions of Act 81-813."

MOTION TO TABLE LOST

The motion offered by Rep. Starkey to table the amendment offered by Rep. Zoghby to the bill, H. 236 as amended, was lost.

Yeas 24; Nays 26.

Yeas:

Reps.: Albright, Ashley, Blake, Blakeney, Brakefield, Brooks, Coburn, Goodwin, Grimsley, Hammett, Hettinger, Johnson, (R. G.), Junkins, Laird, Lauderdale, Layton, McKee, Nicholson, Parker, Scott, Starkey, Starr, Turnham and Venable.

—24

Nays:

Reps.: Bennett, Box, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Harper, Horn, Johnson (Roy), Kennedy, Kvalheim, Langford, McMillan, Manley, Melton, Payne, Richardson, Rogers, Seibels, Thornton, Turner, Warren, White (F) and Zoghby.

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Zoghby to the bill, H. 236 as amended and the amendment was adopted.

Yeas 38; Nays 10.

Yeas:

Reps.: Albright, Bennett, Blake, Box, Campbell, Carter, Casey, Clikas, Cosby, Davis, Drinkard, Escott, Grimsley, Harper, Horn, Johnson, (R. G.), Johnson (Roy), Kennedy, Kvalheim, Layton, McMillan, Manley, Mathis, Melton, Mitchell, Payne, Richardson, Rogers, Scott, Seibels, Smith, Thornton, Turner, Venable, Warren, White (F), Wright and Zoghby.

—38

Nays:

Reps.: Ashley, Brakefield, Coburn, Coleman, Freeman, Goodwin, Hammett, Lauderdale, Nicholson and Parker.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 236, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Reps.: Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Goodwin, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White, (L),

Williams, Wilson, Wright and Zoghby.

—85

Nays: Rep. Box. —1

RULES SUSPENDED

On motion of Rep. Coburn, the rules were suspended in order to transmit the bill, H. 236 to the Senate.

NOTICE IN WRITING

Rep. Thornton filed the following Notice in Writing.

Notice is hereby given that having voted on the prevailing side, I now move to reconsider House Bill 370.

NOTICE IN WRITING

Rep. Johnson (Roy) filed the following Notice in Writing.

Notice is hereby given that having voted on the prevailing side, I now move to reconsider House Bill 370.

RESOLUTION

The following resolution was introduced:

By Rep. Casey:

H. J. R. 283. INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, U. S. Senator Alan Cranston of California is an announced candidate for the Democratic nomination for President of the United States; and

WHEREAS, as a contender for his party's nomination, Senator Cranston is visiting our state, and will address the Young Democrats' 1983 State Issues Convention in Montgomery; and

WHEREAS, the Legislature is indeed pleased to welcome Senator Cranston to Alabama and would further consider it an honor and privilege for him to speak before a joint session of this body; not therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein issue a most cordial invitation to Senator Alan Cranston of the State of California to address this body assembled in joint session at 12 o'clock Noon, June 16, 1983.

BE IT FURTHER RESOLVED, That Senator Cranston be advised, by copy of this resolution, of our request and of our hopeful anticipation of his acceptance.

On motion of Rep. Casey, the rules were suspended and the resolution, H. J. R. 283, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show that had Rep. Buskey been in the Chamber at the time of voting, he would have voted "Yea" on the passage of the bill, H. 236 as amended.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holley:

H. R. 284. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, June 16, 1983, we adjourn to meet again on Tuesday, June 21, 1983, at 2:00 p.m.

On motion of Rep. Holley, the rules were suspended and the resolution, H.R. 284, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Goodwin:

H. R. 285. COMMENDING MISS STEPHANIE KAY ASHMORE.

SPECIAL ORDER RESUMED

And the bill:

H. 36. (With Substitute): To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associations, so as to provide further for such appointments and terms.

Was taken up.

The question then was on the adoption of the substitute reported by the Standing Committee on State Administration, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associations, so as to provide further for such appointments and terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-51 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 22-21-51. (a) A hospital association shall consist of the directors appointed by the local governing bodies, and the directors shall elect from among their number the first chairman. The term of office of each director shall be either five or six years based on the type of method used in appointing the directors. A Director shall hold office until his successor has been appointed and qualified. Vacancies shall be filled for any unexpired term by the local governing body having the original appointment. A majority of the members shall constitute a quorum. The respective local governing bodies shall appoint or reappoint any director whose term expires or whenever a position becomes vacant for any other reason and shall record a certificate of such appointment or reappointment. A director shall receive no compensation for his services. If at any time a local governing unit shall cease to give financial support to the hospital association as required by the rules and regulations, such governing body shall lose all seats on the board

of directors.

"(b) Either of the following alternative ~~method~~ methods of appointing the directors may be used for chartering a new board, or rechartering a hospital to this type of organization, or within thirty (30) days after this act becomes law the directors may so petition the County Commission.

"(1) If ~~if~~ the directors of any existing hospital associations so decide or if the governing body originally sponsoring a hospital association is a county governing body and so decides: There shall be the same number of directors as there are members of the county commission, and they shall be appointed from the same voting districts from which the respective members of the county commission are elected.

"(2) If the local governing bodies and the existing hospital association so decide: Directors shall be appointed by local governing bodies as provided in subsection (a) of this section for staggered terms of office as ~~follows:~~

"i. the first term of one third of the directors shall be for two years;

"ii. of another one third for four years;

"iii. the remaining one third for six years; and

"iv. thereafter the term of each director shall be six years."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 40; Nays 0.

Yeas:

Reps.: Bennett, Blake, Blakeney, Box, Butler, Carothers, Carter Casey, Clark, Clikas, Cosby, Drinkard, Faulk, Goodwin, Grimsley, Harper, Hettinger, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, McMillan, Mathis, Minus, Newman, Owens, Penry, Rains, Richardson, Scott, Smith, Starr, Turner, Venable, Waggoner, Warren, White (F) and White (L).

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 36, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Reps.: Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Drinkard, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Harper, Hettinger, Holley, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Layton, Lewis, McMillan, Martin, Mathis, Minus, Mitchell, Murphy, Newman, Owens, Payne, Penry, Preuitt, Rains,

Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L) and Williams.

—65

And the bill:

H. 269. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 2.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Harper, Hettinger, Holley, Holmes, Horn, Johnson, (R. G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turnham, Venable, Waggoner, Warren, White (L), Williams and Wilson.

—71

Nays: Reps. Box and Buskey. —2

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 269:

Reps. Bennett, Brakefield, Brooks, Browder, Butler, Carter, Casey, Clark, Clikas, Coleman, Cosby, Gaston, Grimsley, Grouby, Hammett, Harper, Holley, Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, McMillan, Newman, Payne, Penry, Rains, Richardson, Scott, Seibels, Smith, Starkey, Trammell, Venable, Waggoner, Warren, White (F), White (L) and Williams.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 286. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 16, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JUNE 21, 1983; AND TO MEET AGAIN ON WEDNESDAY, JUNE 22, 1983; AND TO MEET AGAIN ON THURSDAY, JUNE 23, 1983; AND THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 23, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JUNE 28, 1983; AND TO MEET AGAIN ON WEDNESDAY, JUNE 29, 1983; AND TO MEET AGAIN ON THURSDAY, JUNE 30, 1983; AND THAT WHEN

THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 30, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JULY 12, 1983; AND TO MEET AGAIN ON WEDNESDAY, JULY 13, 1983; AND TO MEET AGAIN ON THURSDAY, JULY 14, 1983; AND THAT WHEN WE ADJOURN ON THURSDAY, JULY 14, 1983, WE ADJOURN TO MEET AGAIN ON MONDAY, JULY 25, 1983; AND TO MEET AGAIN ON TUESDAY, JULY 26, 1983; AND WHEN WE ADJOURN ON TUESDAY, JULY 26, 1983, WE ADJOURN TO MEET AGAIN ON MONDAY, AUGUST 1, 1983, AND THAT WHEN WE ADJOURN ON MONDAY, AUGUST 1, 1983, WE ADJOURN SINE DIE.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 286, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Coburn the House concurred in and adopted the Senate amendment to the bill, H. 393, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-5-12, Code of Alabama, 1975 is hereby amended so as to read as follows:

"§29-5-12. Estimate of amount of money involved under provisions of certain bills ~~and resolutions~~.

(a) Every general bill ~~or resolution~~ creating, eliminating or affecting in any way, a state or local program, service, function or revenue source and which thereby requires the expenditure of county or municipal funds or thereby decreases or increases revenue collections by any county or municipality shall before any vote is taken thereon in the senate or house of representatives, have endorsed thereon or attached thereto an estimate made by the director of the legislative fiscal office of the amount of money involved therein, and the anticipated increase in county or municipal spending or the decrease in county or municipal revenue collections under the provisions of the bill ~~or resolution~~. In the event that insufficient data is available to formulate an estimate of the amount money involved therein, the director shall note such fact on such endorsement or attachment which shall constitute compliance herewith.

(b) The fiscal note provided under this section shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. ~~Any bill or resolution on second reading not having a fiscal note affixed thereto shall be recommitted to the committee in the house to which it was referred upon introduction.~~

(c) The director of the legislative fiscal office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the state which is necessary for the director to fulfill the duties and functions imposed upon him by this section. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the director any available material which he determines to be necessary in the performance of his duties and functions which are required by this section."

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Amend House Bill 393 as substituted on page 2, line 7 by striking the word "shall" and inserting in lieu thereof the following:

"may"

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Clark, Clikas, Coburn, Cosby, Drinkard, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Howard, Johnson (R. G.), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, McKee, McMillan, Manley, Mathis, Newman, Owens, Parker, Penry, Poole, Preuitt, Rains, Richardson, Scott, Seibels, Smith, Starkey,

Starr, Thomas, Venable, Waggoner, Warren, White (F), White (L) and Wilson.

—56

And the bill, H. 393 as thus amended, was again read at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Buskey, Butler, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Escott, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R. G.), Junkins, Kennedy, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Moore, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Venable, Waggoner, Warren, White (F), White (L), Williams and Wilson.

—73

And the bill:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Howard, Johnson, (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry Poole, Preuitt, Rains, Richardson, Sasser, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright.

—79

CO-SPONSORS

The following members were added as co-sponsors to the bill, H. 536:

Reps. Adams, Albright, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Howard, Johnson (R. G.), Johnson, (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Richardson, Scott, Seibels, Smith, Starkey, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson and Wright.

MOTION TO RECONSIDER H. 370

Having voted on the prevailing side and previously having filed a Notice In Writing, Rep. Johnson (Roy) moves to reconsider the vote by which the bill, H. 370 as amended, was passed.

MOTION TO RECONSIDER TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy) to reconsider the bill, H. 370 as amended, was tabled.

Yeas 44; Nays 31.

Yeas:

Reps.: Adams, Albright, Bennett, Biddle, Box, Brakefield, Brooks, Butler, Campbell, Carothers, Carter, Clikas, Cosby, Davis, Drinkard, Escott, Freeman, Gaston, Harvey, Hettinger, Horn, Howard, Junkins, Kvalheim, Layton, Lewis, McMillan, Manley, Martin, Minus, Murphy, Newman, Nicholson, Payne, Rogers, Scott, Seibels, Starkey, Starr, Turner, Waggoner, Wilson, Wright and Zoghby.

—44

Nays:

Reps.: Ashley, Blake, Blakeney, Browder, Buskey, Casey, Coburn, Dutton, Flowers, Goodwin, Grimsley, Hammett, Holley, Holmes, Johnson (Roy), Laird, Lauderdale, Mathis, Moore, Owners, Parker, Poole, Rains, Richardson, Sasser, Thomas, Thornton, Trammell, Turnham, Venable and Williams.

—31

CONFLICT OF INTEREST

Rep. Drake abstained from voting on the motion to reconsider the bill, H. 370 due to a Conflict of Interest.

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Newman voted "Yea" on the motion to table the motion to reconsider the bill, H. 370 and he meant to vote "Nay".

And the bill:

H. 77. To amend the definition contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Browder, Butler, Campbell, Carter, Casey, Clark, Clikas, Cosby, Drinkard, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Layton, Lewis, McMillan, Manley, Martin, Mathis, Moore, Murphy, Owens, Payne, Penry, Poole, Rains, Richardson, Smith, Starkey, Thornton, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

—53

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 77:

Reps. Albright, Bennett, Biddle, Blakeney, Brakefield, Butler, Carter, Casey, Clikas, Cosby, Drinkard, Faulk, Freeman, Grimsley, Grouby, Hammett, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kvalheim, Layton, Lewis, McMillan, Martin, Mathis, Moore, Murphy, Penry, Poole, Rains, Richardson, Smith, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

H. 478, 276 and 263 TEMPORARILY POSTPONED

On motion of Rep. Casey, the bills, H. 478, 276 and 263 were temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. R. 287. REQUESTING AN ACCOUNTING OF STATE FUNDS EXPENDED IN LEGAL FEES RELATIVE TO REAPPORTIONMENT.

WHEREAS, costs related to reapportionment of the Alabama Legislature have necessitated the expenditure of enormous amounts of public funds; and

WHEREAS, among such costs are those paid for legal counsel and, to the knowledge of this body, no accounting has been made public as to the total sum spent for such counsel; and

WHEREAS, it is the consensus of this membership that both we and the taxpayers of Alabama should be privy to the manner in which public funds are spent and to whom such monies are paid; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the following departments and/or constitutional offices submit an accounting of the amounts paid, from all sources, to any attorney or law firm in the State of Alabama or Washington, D. C., or in any other city or unincorporated area in the county, for counsel or services related to the reapportionment of the Alabama Legislature: State Finance Department, Attorney General's Office, Governor's Office, State Auditor's Office, State Treasurer's Office, the Office of the Secretary of State, the Legislative Fiscal Office, and any other office or state entity having knowledge of such fees paid.

BE IT FURTHER RESOLVED, That a copy of the aforementioned, itemized accounts be forwarded to each member of the Alabama House of Representatives and that such reports be submitted at the earliest possible

time that a total of such payments may be made known to all state representatives.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Payne offered the motion to suspend the rules and adopt the resolution H. R. 287.

DIVISION OF THE QUESTION

Rep. Horn called for the Division of The Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Payne, to suspend the rules in order to take up for immediate consideration the resolution, H.R. 287, and the motion was lost, lacking a four-fifths vote.

Yeas 36; Nays 23.

Yeas:

Reps.: Adams, Biddle, Blake, Blakeney, Brooks, Butler, Carter, Clikas, Cosby, Faulk, Flowers, Freeman, Grimsley, Hammett, Howard, Kvalheim, Layton, Lewis, McKee, McMillan, Moore, Payne, Penry, Poole, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Trammell, Venable, White (L) and Wright.

—36

Nays:

Mr. Speaker, Albright, Ashley, Bennett, Casey, Clark, Davis, Escott, Goodwin, Hall, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Langford, Lauderdale, Melton, Mitchell, Reed, Rogers, Thomas and Thornton.

—23

The resolution, H. R. 287, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present,

signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 306. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 2.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Minus, Moore, Newman, Poole, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby.

—65

Nays: Reps. Melton and Reed. —2

And the bill:

H. 308. This bill relates to the styling of criminal cases and provides that all warrants, information, presentments or indictments initiated or preferred pursuant to any criminal law of this state, shall be initiated or preferred in the name of the People of the State of Alabama and any judicial proceeding relating thereto, other than a Grand Jury proceeding, shall be likewise judicially styled or judicially referred to accordingly. This bill further provides that all indictments must contain in the caption or body thereof, the name of the state, county court and time when it is preferred and must conclude "Against the peace and dignity of the People of the State of Alabama," thereby amending Section 15-8-3 of the Code of Alabama, 1975, relating to the required contents of indictments. This bill becomes effective on the 1st day of January, 1984.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Payne, Poole, Rains, Richardson, Rogers, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner,

Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—73

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 288. COMMENDING MR. ANTHONY BURNETT OF VERNON, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

And the bill:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Newman, Penry, Poole, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—75

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 214:

Reps. Adams, Albright, Ashley, Bennett, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Carothers, Casey, Clikas, Coleman, Cosby, Davis, Drinkard, Faulk, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Moore, Newman, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

RESOLUTION

The following resolution was introduced:

By Reps. Rogers, Davis, Horn and Escott:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

WHEREAS, T. R. Dunn, a native of the West End Community, has distinguished himself as a professional basketball player with the Portland

Trailblazers and the Denver Nuggets and

WHEREAS, T. R. Dunn has consistently demonstrated good character on and off the basketball court, thereby reflecting honor upon himself and upon his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby declare and acknowledge June 24, 1983, at "T. R. Dunn Day" and extend to Mr. Dunn our heartfelt thanks for the fame and honor he has brought to his native state through his most noteworthy accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to T. R. Dunn in expression of our appreciation.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 289, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 72. (With Amendments); Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from $30 to $50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said amendment being as follows:

House Bill 72 is hereby amended by deleting Subsection (3) of Section 1, pages 2 and 3 thereof, and substituting a new Subsection (3) of Section 1 in lieu thereof:

(3) PRACTICE OF PROFESSIONAL AND PRACTICAL NURSING. Nursing is a profession the practice of which is defined as:

(3)(a) PRACTICE OF PROFESSIONAL NURSING. The performance, for compensation, of any act in the care and counselling of persons or in the promotion and maintenance of health and prevention of illness and injury based upon the nursing process which includes systematic data gathering, assessment, appropriate nursing judgment and evaluation of human responses to actual or potential health problems through such services as case finding, health teaching, health counselling; and provision of care supportive to or restorative of life and well being, and executing medical regimens including administering medications and treatments prescribed by a licensed or otherwise legally authorized physician or dentist. A nursing regimen shall be consistent with and shall not vary any existing medical regimen. Additional acts requiring appropriate education and training designed to maintain access to a level of health care for the consumer maybe performed under emergency or other conditions which are recognized by the nursing and medical professions as proper to be performed by a registered nurse.

(4)(b) PRACTICE OF PRACTICAL NURSING. The performance, for compensation, of acts ~~in the care of persons~~ designed to promote and maintain health, prevent illness and injury and provide care utilizing standardized procedures and the nursing process, including administering medications and treatments, under the direction of a licensed professional nurse or a licensed or otherwise legally authorized physician or dentist ~~requiring an understanding of nursing but not requiring~~. Such practice requires basic knowledge of the biological, physical and behavioral sciences and of nursing skills but does not require the substantial specialized skill, independent judgment and knowledge required in the practice of professional nursing. Additional acts requiring appropriate education and training may be performed under emergency or other conditions which are recognized by the nursing and medical professions as proper to be performed by a licensed practical nurse.

Also amend House Bill 72 on page 9 by deleting Subsection (21) of Subsection (c) of Section 2 in its entirety and substituting in lieu thereof a new Subsection (21) of Subsection (c) of Section 2 as follows:

(21) Adopt standards for registered and practical nursing practice and for continued competency of licensees; and

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Cosby, Davis, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Parker, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

—67

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Health to the bill, H. 72 as amended, said

amendment being as follows:

On page 5, lines 13-15, delete the sentence "An effort will be made to maintain representation from the fields of nursing education, nursing administration, and clinical nursing." and insert in lieu thereof the following:

"In the nominating and appointing process, due care will be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, and clinical nursing."

And the amendment was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McKee, McMillan, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

—73

Nay: Rep. Hall. —1

And the bill, H. 72, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Melton, Minus, Mitchell, Murphy, Newman, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

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CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 72:

Mr. Speaker, Albright, Bennett, Biddle, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Carter, Clark, Clikas, Coleman, Cosby, Davis, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, McMillan, Martin, Melton, Mitchell, Moore, Newman, Nicholson, Payne, Penry, Poole, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starr, Turner, Venable, Waggoner, Warren, White (L), Wright and Zoghby.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (Roy):

H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in depth audit be made of the affairs of the Retirement Systems; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of four members who shall be appointed from the Legislature. The Speaker of the House shall appoint two members and the Lieutenant Governor shall appoint two members from the House and Senate respectively.

The members of the committee shall serve without pay or compensation.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 290, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Was taken up.

AMENDMENT OFFERED

Rep. Freeman offered the following amendment to the bill, H. 280:

Page 2, Section 1(b)

Delete lines 18,19,20,21,22

Insert the following:

Arrears except that elected officials and appointees whose pay is based on an annual salary for the position held shall be payable in equal semi-monthly installments on the 15th and the last day of each month effective October 1, 1983. Unpaid salaries shall be paid upon the expiration of the appointment or term of office.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Bowling, Box, Brooks, Browder, Butler, Campbell, Casey, Clikas, Cosby, Flowers, Goodwin, Grimsley, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Turner, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—59

AMENDMENT OFFERED

Rep. Freeman offered the following amendment #2 to the bill, H. 280 as amended:

Amend H. B. 280, Page 2, Section 1(b), by deleting lines 18, 19, 20, 21 and 22 in their entirety and by inserting in lieu thereof, the following: arrears except that elected officials and appointees whose pay is based on an annual salary for the position held shall be payable in equal semi-monthly installments on the 15th and the last day of each month effective October 1, 1983. Unpaid salaries shall be paid upon the expiration of the appointment or term of office.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brooks, Browder, Campbell, Casey, Clikas, Cosby, Faulk, Flowers, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Mathis, Minus, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Seibels, Smith, Starkey, Starr, Venable, Waggoner, Warren, White (F),White (L), Wright and Zoghby.

—57

AMENDMENT OFFERED

Rep. Freeman offered the following amendment #3 to the bill, H. 280 as amended:

Amend House Bill 280, page 2, section 1(c), line 26 by deleting ". . .December 20, 1983. . ." and inserting ". . .December 23, 1983. . ."

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Browder, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—68

And the bill, H. 280, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Dutton, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—76

Nay: Rep. Drinkard. —1

And the bill:

H. 281. Relating to and amending 1975 Code of Alabama, § 36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Freeman offered the following amendment to the bill, H. 281:

Page 1, Section 1

Delete Lines 23 and 24

Insert the following:

The salaries of employees of the State of Alabama shall be payable Delete lines 33,34,35,36,37

Insert the following:

of every elected official, appointee, officer, or employee whose salary is fixed at an annual rate shall be payable in equal semi-monthly installments

on the 15th and the last day of each month. Any unpaid salaries shall be paid upon the

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Dutton, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—77

AMENDMENT OFFERED

Rep. Freeman offered the following amendment #2 to the bill, H. 281 as amended:

Amend H. B. 281 on Page 1, Section 1, lines 23 and 24 by striking ~~The salaries of all officers and employees of the State of Alabama shall be payable~~ and insert in lieu thereof, the following: The salaries of employees of the State of Alabama shall be payable

Further amend H. B. 281 on Page 1, Section 1, by deleting lines 33, 34, 35, 36 and 37 in their entirety and insert in lieu thereof, the following: of every elected official, appointee, officer, or employee whose salary is fixed at an annual rate shall be payable in equal semi-monthly installments on the 15th and the last day of each month. Any unpaid salaries shall be paid upon the

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Dutton, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wright and Zoghby.

—77

And the bill, H. 281, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Dutton, Faulk, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Trammell, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—81

Nay: Rep. Drinkard. —1

RESOLUTION

The following resolution was introduced:

By Reps. Mitchell, Melton, Johnson (Roy), Poole and Owens:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

WHEREAS, the Alabama Legislature notes with utmost commendation the selection of Miss Donna Jean Thornton of Northport, Alabama, as Miss Wheelchair Alabama for 1983-1984; and

WHEREAS, Miss Thornton, a quadraplegic as the result of a 1981 accident, was selected on June 4, 1983, from a field of 15 contestants during the 10th annual pageant held in Huntsville, Alabama; and

WHEREAS, in recognition of Miss Thornton's personal accomplishments, despite her quadraplegia, it is to be noted that she is a volunteer worker at Druid City Hospital, where she is involved with the Stroke Self-Help Group and she also works with United Cerebral Palsy in planning recreational programs; and

WHEREAS, our new Miss Wheelchair Alabama is a 23-year-old student at Shelton State Junior College, majoring in recreational therapy, and she is the daughter of Mrs. Jean L. Thornton and the late Lynnwood E. Thornton; and

WHEREAS, during the summer months, Miss Thornton will travel throughout Alabama speaking to various organizations in support of the handicapped and describing the many different types of handicapped individuals who have useful talents to offer; in early August, she will represent the State of Alabama in the National Miss Wheelchair Pageant in Salt Lake City, Utah; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Donna Jean Thornton of Northport, Alabama, for outstanding accomplishment; we further congratulate her as Miss Wheelchair Alabama, 1983-1984, and direct that she receive a copy of this resolution in small token of our esteem, in admiration of her courage, and in expression of our sincere best wishes for every future success.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 291, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 15.

Yeas:

Mr. Speaker, Albright, Ashley, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Butler, Campbell, Carter, Clark, Clikas, Coburn, Coleman, Drinkard, Faulk, Freeman, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Lauderdale, Layton, McMillan, Manley, Martin, Mathis, Minus, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Reed, Rice, Richardson, Smith, Starr, Thomas, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—56

Nays:

Reps.: Adams, Bennett, Box, Davis, Escott, Grimsley, Horn, Howard, Lewis, Melton, Payne, Rogers, Seibels, Thornton and Zoghby.

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President Pro Tempore and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Also:

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Also:

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

And the bill:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Faulk, Freeman, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kvalheim, Laird, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starr, Thomas, Turner, Venable, Waggoner, Warren, White (F), White (L) and Wright.

—73

Nay: Rep. Rogers. —1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Dixon:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. McLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

Also:

By Senator Little:

S. J. R. 140. MEMORIALIZING THE PRESIDENT AND THE U. S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

Also:

By Senator Teague:

S. J. R. 148. NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

Also:

By Senator Teague:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

Also:

By Senator Amari:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

Also:

By Senators Pearson, Amari, Hilliard, Parsons, Bishop, Cabaniss, and Bachus:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 124, 140, and 148 the titles of which are set out in the above and foregoing Message from the Senate.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 149, the title of which is set out in the above and foregoing Message from the Senate.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 150 and 157, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Amari, Pearson and Cabaniss:

S. J. R. 146. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 12 is hereby

amended to read as follows:

"12. (a) No bill amending an existing statute and no local bills relating to Jefferson County shall be accepted for introduction in the Legislature unless:

"(1) the language to be deleted is striken through (example: ~~striken-through~~) and (2) the language to be inserted is underscored (example: underscored).

"(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

"(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8½" by 14" paper with numbered, double-spaced lines.

"(d) The provisions of this rule shall not apply to local bills, except as provided herein."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 146 the title of which is set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Covington:

S. J. R. 154. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 154 the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Keener, Parsons, Teague, Denton, Bishop, and Corbett:

S. J. R. 172. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH

STEEL CORPORATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Ford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 172 the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Sens.: deGraffenried, Robertson, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Smith (B), Smith (J), Teague:

S. J. R. 174. COMMENDING MR. J. RUFUS BEALLE FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

By Sens.: Barron, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hillard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), Teague:

S. J. R. 176. NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

Also:

By Senator Bailey:

S. J. R. 177. COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

Also:

By Senators Robertson and deGraffenried:

S. J. R. 178. NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC McKINZEY GYMNASIUM."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 174, 176 and 177, the titles of which are set out in the above and foregoing Message from the Senate.

SENATE MESSAGE

On motion of Rep. Mitchell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 178, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim, Kennedy, Zoghby, Box, Clikas, Buskey, Clark, McMillan, White (F) and Turner:

H. R. 292. COMMENDING THE AMERICA'S JUNIOR MISS PROGRAM.

Also:

By Reps. Kvalheim, Kennedy, Zoghby, Box, Clikas, Buskey, Clark, McMillan, White (F) and Turner:

H. J. R. 293. COMMENDING SUSAN HAMMETT, AMERICA'S JUNIOR MISS.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ashley the rules were suspended in order to take up out of order the bill, H. 441.

And the bill:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Was taken up.

SUBSTITUTE OFFERED

Rep. Martin offered the following substitute to the bill H. 441:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

The State of Alabama, through the Alabama State Docks Department, is authorized to convey, without consideration, title to its real property, equipment and facilities located in Lauderdale County, Alabama, and known as the Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.

The State of Alabama, through the Alabama State Docks Department, is authorized to convey, with consideration at a price to be established by the Director of the Alabama State Docks Department and his appraisers, title to its real property, equipment and facilities located in Morgan County, Alabama, and known as the Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the date appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

And the substitute was adopted.

Yeas 62; Nays 2.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Butler, Campbell, Carter, Casey, Coburn, Coleman, Cosby, Drinkard, Flowers, Ford, Goodwin, Grimsley, Hall, Hammett, Hettinger, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McKee, Manley, Martin, Mathis, Melton, Minus, Newman, Owens, Parker, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L) and Zoghby.

—62

Nays: Reps. Box and Carothers. —2

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

And finds same correctly enrolled.

JOHN S. CASEY,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 441 RESUMED

AMENDMENT OFFERED

Rep. Nicholson offered the following amendment to the bill, H. 441 as amended:

Amend the Substitute for HB 441 on pages 1, 2, and 3, lines 22-25 on page 1, lines 10-12 on page 2, and lines 5-7 on page 3, by adding after the phrase "Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation" the following phrase:

, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Flowers, Goodwin, Grimsley, Hall Harper, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Kennedy, Kvalheim, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Starkey, Starr, Thomas, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—66

And the bill:

H. 441. Proposing an amendment to the Constitution of 1901 to au-

thorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractural agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission but subject to existing leases and other contractual agreements now in effect.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Moore, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Reed, Rice, Richardson, Rogers, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—82

SPECIAL ORDER RESUMED

And the bill:

H. 105. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clikas, Coleman, Cosby, Drinkard, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Layton, McMillan, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Starkey, Starr, Turner, Turnham, Venable, Waggoner, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—62

Nay: Rep. Thornton. —1

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 105:

Reps. Adams, Bennett, Biddle, Blake, Brakefield, Browder, Butler, Carter, Clikas, Coleman, Drinkard, Dutton, Escott, Goodwin, Grimsley, Hall, Hammett, Harper, Holley, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kvalheim, Lauderdale, Layton, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Poole, Preuitt, Rains, Rice, Richardson, Smith, Starr, Turner, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

H. 498 TEMPORARILY POSTPONED

On motion of Rep. Hall, the bill, H. 498 was temporarily postponed.

And the bill:

H. 263. (With Amendment): To amend Section 15-19-7, Code of Alabama 1975, which relates to youthful offender proceedings, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Was taken up.

The question then was on the amendment reported by the Standing Committee on Judiciary, to the bill, H. 263, said amendment being as follows:

Amend H. B. 263, Section 2 (c), page 2, line 12, by deleting the words

~~and heard~~

where same appear thereon.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Clikas, Coleman, Cosby, Drinkard, Dutton, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McMillan, Martin, Mathis, Minus, Mitchell, Moore, Murphy, Newman, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starr, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—71

And the bill, H. 263, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark,

Clikas, Coleman, Cosby, Davis, Drinkard, Dutton, Flowers, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Seibels, Smith, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—77

Nays: Reps. Minus and Thornton. —2

And the bill:

H. 134. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 3.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Hammett, Harper, Hettinger, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Layton, Lewis, Mathis, Melton, Minus, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Richardson, Rogers, Seibels, Smith, Starkey, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wright and Zoghby.

—69

Nays: Reps. Box, Buskey and Thornton. —3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 254. SETTING MEETING DAYS OF THE LEGISLATURE, JUNE 14 TO JUNE 16.

Also:

H. J. R. 283. INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 495. (With Amendment): To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said amendment being as follows:

Amend House Bill 495, Section 3, page 2, line 32 by striking 2 ~~(a)~~;

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Ashley, Bennett, Blake, Blakeney, Brooks, Browder, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Harper, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—68

And the bill, H. 495, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Freeman, Goodwin, Grimsley, Harper, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Mitchell, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—70

And the bill:

H. 148. (With Amendment): To amend Section 39-1-1, Code of Alabama, 1975 to exempt contractors performing contracts of less than $10,000.00 in amount from advertising requirements and to authorize final settlements, without delay, of such contracts upon completion and full compliance with the terms of the said contract.

Was taken up.

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the bill, H. 148 to the pending amendment reported by the Standing Committee on Local Government:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than $10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 39-1-1, Code of Alabama 1975, is amended to read as follows:

"§39-1-1. Bonds required of persons, firms, etc., contracting with state or political subdivision thereof for repair, construction, etc., of public buildings, works, etc.; commencements, etc., of actions upon bond by persons, firms, etc., supplying labor, materials, etc., to contractor; giving notice of completion of project by contractor and final settlement; applicability of provisions of section.

"(a) Any person, firm or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction or prosecution of any public buildings or public work, highways or bridges shall be required, before commencing such work, to execute a performance bond, with penalty equal to 100 percent of the amount of the contract price, and, in addition thereto, another bond with good and sufficient surety, payable to the state, county or municipal corporation or subdivision letting the contract, in an amount not less than 50 percent of the contract price, with the obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor, materials or supplies for or in the prosecution of the work provided for in such contract and for the payment of reasonable attorneys' fees incurred by successful claimants or plaintiffs in civil actions on said bond.

"(b) Any person, firm or corporation that has furnished labor, materials or supplies for or in the prosecution or repair of any public building or public work, highways or bridges and payment for which has not been made shall be authorized to institute a civil action upon said bond in his or their name or names and to have their rights and claims adjudicated in such civil action and judgment entered thereon; provided, that no civil action shall be instituted on said bond until after 45 days' written notice to the surety thereon of the amount claimed to be due and of the nature of the claim. Such civil action shall be commenced not later than one year from the date of final settlement of said contract. The giving of said notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay such claim in full within 45 days from the mailing of such notice, then such person or persons shall be entitled to recover of the contractor and surety, in addition to the amount of said claim, a reasonable attorney's fee, together with interest on such claim from the date of such notice.

"Every person or persons having a right of action on said last described bond as provided in this section shall, upon written application to the authority under the direction of whom such work has been prosecuted, setting out that labor, material, foodstuffs or supplies for such work have been supplied by him or them and that payment therefor has not been made, be promptly furnished a certified copy of said additional bond and contract. Such claimant shall be authorized to bring civil action on said bond in the county in which the work provided for in said contract is to be performed or in any county where the contractor or his surety does business, for his or their use and benefit against said contractor and his surety or either of them.

"In addition to any other legal mode of service, service of summons and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract be a state highway contract, or with the executive officer of the city, town, board, commission or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that such service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission or authority, it shall be the duty of such director or executive officer to immediately mail a copy of such process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of bond to secure contracts of less than $1,000.00 in amount.

"(d) The contractor shall immediately after the completion of the contract give notice of said completion by an advertisement in some newspaper of general circulation published within the city or county wherein the work has been done for a period of four successive weeks. In no instance shall a final settlement be made upon the contract until the expiration of 30 days after the completion of same. Proof of publication of said notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county where the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the probate judge or sheriff and the contractor."

Provided, however, that the requirements of this subsection shall not apply to contractors performing contracts of less than $10,000.00 in amount and the governing body of the contracting agency, so as to expedite final payment, shall cause notice of final completion of such contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency, if any, and shall post notice of final completion on the agency's bulletin board for one week and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with such contractor may be made at any time after the notice shall have been posted for one entire week.

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Hammett, Harper, Hettinger, Holley, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Mitchell, Murphy, Newman, Nicholson, Owens, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—67

And the bill:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than $10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Box, Brakefield, Brooks, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Mitchell, Murphy, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—76

And the bill:

H. 68. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams, Ashley, Blake, Blakeney, Box, Brakefield, Brooks, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Horn, Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McMillan, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Owens,

Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (L), Williams, Wilson, Wright and Zoghby.

—69

Nay: Rep. Howard. —1

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 68:

Mr. Speaker, Blakeney, Brooks, Butler, Clark, Coleman, Grouby, Holley, Johnson (Roy), Junkins, Kvalheim, Layton, McMillan, Poole, Rogers, Waggoner, Warren and White (L)

And the bill:

H. 375. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers, to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Davis, Dutton, Escott, Faulk, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Moore, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright an Zoghby.

—75

And the bill:

H. 376. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Butler, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Murphy, Newman, Nicholson, Payne, Poole, Rains, Reed, Rice, Richardson, Rogers,

Scott, Seibels, Smith, Starkey, Starr, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—73

And the bill:

H. 33. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Ashley, Biddle, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Murphy, Newman, Nicholson, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—78

CO-SPONSORS ADDED

The following members were added as co-sponsors to the bill, H. 33:

Mr. Speaker, Adams, Ashley, Blakeney, Bowling, Box, Brakefield, Browder, Buskey, Butler, Clark, Davis, Drinkard, Escott, Faulk, Grouby, Hall, Hettinger, Holley, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Melton, Murphy, Newman, Nicholson, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Seibels, Smith, Starkey, Starr, Turner, Turnham, Venable Waggoner, Warren, White (F), White (L), Wright and Zoghby.

And the bill:

H. 133. (With Amendment): To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Was taken up.

SUBSTITUTE OFFERED

Rep. Kennedy offered the following substitute to the bill, H. 133 to the pending amendment reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department is hereby directed to place emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile. Said boxes shall be placed one-half mile apart. The director of the Highway Department is authorized to promulgate all necessary rules and regulations to administer this program.

Section 2. There is hereby appropriated from the public road and bridge fund to the highway department an amount sufficient to fund the program established in Section 1. Said money shall be matched with federal funds at a 90 percent federal share to 10 percent state share ratio.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Box, Buskey, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Murphy, Newman, Nicholson, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Scott, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

—68

And the bill, H. 133, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blakeney, Bowling, Box, Brakefield, Brooks, Buskey, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Hammett, Harper, Holley, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Mathis, Melton, Newman, Nicholson, Penry, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Seibels, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), Williams, Wilson, Wright and Zoghby.

—66

Nays:

Reps. Blake, Laird, Lewis, Payne, Poole, Scott and Smith.

—7

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 286. SETTING MEETING DAYS OF THE LEGISLATURE THROUGH AUGUST 1, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (Roy), the House occurred in and adopted the Senate amendment to the resolution, H. J. R. 286, said amendment being as follows:

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, That when the Legislature adjourns on Thursday, June 16, 1983, we adjourn to meet again on Tuesday, June 21, 1983; and to meet again on Wednesday, June 22, 1983; and to meet again on Thursday, June 23, 1983; and that when the Legislature adjourns on Thursday, June 23, 1983, we adjourn to meet again on Tuesday, June 28, 1983; and to meet again on Wednesday, June 29, 1983; and to meet again on Thursday, June 30, 1983; and that when the Legislature adjourns on Thursday, June 30, 1983, we adjourn to meet again on Monday, July 11, 1983, and to meet again on Tuesday, July 12, 1983; and to meet again on Wednesday, July 13, 1983; and to meet again on Thursday, July 14, 1983; and when we adjourn on Thursday, July 14, 1983, we adjourn to meet again on Monday, July 25, 1983; and when we adjourn on Monday, July 25, 1983, we adjourn to meet again on Monday, August 1, 1983.

And the amendment was adopted.

Yeas 59; Nays 7.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brakefield, Brooks, Browder, Buskey, Carothers, Clark, Cosby, Davis, Escott, Faulk, Grimsley, Grouby, Hammett, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Layton, McMillan, Mathis, Melton, Moore, Murphy, Newman, Penry, Poole, Rains, Reed, Richardson, Rogers, Scott, Seibels, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—59

Nays:

Reps. Butler, Freeman, Hall, Harper, Lewis, Rice and Tucker. —7

And the resolution H. J. R. 286 as thus amended, was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brakefield, Browder, Buskey, Carothers, Casey, Clark, Clikas, Coburn, Cosby, Davis, Drinkard, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Holmes, Horn, Howard, Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Mathis, Melton, Moore, Murphy, Nicholson, Owens, Poole, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—66

SPECIAL ORDER RESUMED

And the bill:

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Nays:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Drinkard, Faulk, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Owens, Payne, Poole, Preuitt, Rains, Reed, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—74

CO-SPONSOR ADDED

Rep. Smith was added as a co-sponsor to the bill H. 360.

And the bill:

H. 20. (With Substitute): To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropratic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licen-

see's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Was taken up.

The question was then on the adoption of the Substitute reported by the Standing Committee on Health, said Substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropratic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, also under the supervision of the school. The limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation.

Section 2. The Alabama State Board of Chiropractic Examiners shall prohibit the use of more than one limited license student or graduate to one sponsor licensed to practice chiropractic.

Section 3. The Alabama State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this act, including, but not limited to, providing academic, professional, and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and requiring fees for participation.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas: 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Brakefield, Brooks, Browder, Butler, Carothers, Casey, Clark, Clikas, Cosby, Drinkard, Dutton, Faulk, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Holmes, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins,

Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Murphy, Nicholson, Owens, Parker, Penry, Poole, Preuitt, Rains, Rice, Richardson, Seibels, Smith, Starkey, Starr, Thomas, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

—65

And the bill:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Bowling, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Drinkard, Dutton, Escott, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Moore, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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H. 570 INDEFINITELY POSTPONED

On motion of Rep. Turner, the bill H. 570 was indefinitely postponed.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Turner offered the motion to reconsider the vote by which the bill, H. 33 was passed, and the motion was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Butler, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Holley, Horn, Johnson (A. L.), Johnson (R. G.), Johnson

(Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, McMillan, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Owens, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill H. 33:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-6-1 of the Code of Alabama 1975, as amended, is hereby amended further to read as follows:

"Section 32-6-1. (a) Every person, except those specifically exempted by statutory enactment, shall procure a driver's license before driving a motor vehicle upon the highways of this state. Every new resident of the state of Alabama shall procure an Alabama driver's license within 30 days after establishing residence in this state.

"(b) Each original driver's license issued to a person born in a year ending in an odd number shall expire on the second anniversary of the licensee's birth date occurring in an odd-numbered calendar year after the date on which the application for the license was filed, and each original driver's license issued to a person born in a year ending with an even number shall expire on the second anniversary of the licensee's birth date occurring in an even-numbered calendar year after the date on which the application for the license was filed; provided, that if the license issued would expire in less than 24 months from the date on which the application for the license was filed, the expiration date of such license is hereby extended for an additional period of two years. After the expiration of an original driver's license, all subsequent renewals shall be for a period of four years from the specified expiration date of the immediately preceding license, regardless of when such renewal shall be issued. Every driver's license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. For the purpose of renewal of a driver's license, the department of public safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date; the applicant shall apply for a driver's license anytime during a period beginning 30 days before the expiration date of the then current license until one year after the expiration date of said license; provided, however, that applicants serving on active duty in the military service shall have until two years after said expiration date. Failure to make application for renewal within the specified time shall result in the applicant being required to take, and successfully pass, a written examination and driving test as administered by the department of public safety. If any person's birthday is February 29, the first day of March following shall be regarded as his birthday for the purposes of this section.

"(c) The department of public safety shall make available to any resident of this state who does not hold a valid Alabama driver's license a nondriver identification card to be used for identification purposes only. Such nondriver identification card shall be issued only upon application of the nondriver and shall be similar to the driver's license; except, that it shall bear the word 'nondriver' in prominent letters on the face of the identification card. Each nondriver identification card shall bear thereon a distinguishing number assigned to the nondriver and a color photograph of the nondriver, as well as the name, birthdate, residence address and a brief description of the nondriver, who for the purpose of identification, shall immediately upon receipt thereof, endorse his or her usual signature in ink upon the card in the space provided thereon, unless a facsimile of the nondriver signature appears thereon. The same degree of proof of identification required of applicants for driver's licenses in this state shall be required of applicants for nondriver identification cards."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Faulk, Flowers, Goodwin, Grimsley, Grouby, Hall, Hammett, Hettinger, Holmes, Horn, Johnson (A.L.), Johnson (R. G.), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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CO-SPONSOR ADDED

Rep. Lauderdale was added as a co-sponsor to the bill, H. 360.

H. 33 RESUMED

And the bill, H. 33, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Ashley, Bennett, Blake, Blakeney, Bowling, Box, Brakefield, Browder, Butler, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Davis, Drinkard, Escott, Faulk, Goodwin, Grouby, Hall, Hammett, Harper, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Langford, Lauderdale, Layton, Lewis, Martin, Mathis, Melton, Murphy, Newman, Nicholson, Payne, Poole, Preuitt, Rains, Rice, Richardson, Rogers, Scott, Seibels, Smith, Starkey, Starr, Thomas, Thornton, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President Pro Tempore and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Little and Mitchem:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption and to provide certain exceptions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 322. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener:

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-ways by private parties, so as to provide further for said acquisition.

Also:

By Senator Foshee:

S. 47. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

Also:

By Senator Denton:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Also:

By Senators Covington, Goodwin, Foshee, Keener, Parsons, Boyington, Bedford, Harrison, Corbett, Holmes, Bailey, Denton, Dixon, Barron, Cooley, Aldridge, and Mitchell:

S. 236. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Also:

By Senator Mitchem:

S. 389 To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 89. Judiciary.

S. 47. State Administration.

S. 40. State Administration.

S. 236. Ways and Means.

S. 389. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Mitchell, Denton, Harrison, Dixon, Proctor, Robertson, Holmes, and Covington:

S. 95. To make a supplemental appropriation from certain unappro-

priated and undesignated moneys, derived by the state from certain royalties of oil and gas, land and other hydrocarbon mineral leases, to certain state universities for capital outlay projects, from the general funds of the state treasury.

Also:

By Senator Harrison:

S. 357. To abolish the existing "Hank Williams Memorial Commission"; to create and establish in lieu thereof a new "Hank Williams Memorial Commission"; to prescribe the composition of such commission and provide for the terms of its members; to prescribe the functions and duties of such commission and to provide certain tax exempt status for the commission.

Also:

By Senator Aldridge:

S. 373. The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 95. Ways and Means.

S. 357. Ways and Means.

S. 373. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Parsons:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

Also:

By Senator Parsons:

S. 9. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropratic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Also:

By Senators Bedsole and Parsons:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 201. Judiciary.

S. 9. Health.

S. 131. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Denton and Cooley:

S. 188. To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate

Standing Committee as follows:

S. 188. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Mitchell and Bailey:

S. 97. To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Also:

By Senator Holmes:

S. 361. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

Also:

By Senators Smith (J), Holmes, Amari, Bedford, Harrison and Dixon:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to

appropriate Standing Committees as follows:

S. 97. Agriculture and Forestry.

S. 361. State Administration.

S. 250. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Robertson:

S. 193. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers.

Also:

By Senator Foshee:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 193. Agriculture and Forestry.

S. 385. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Keener (With Notice and Proof):

S. 457. To authorize the Etowah County Commission to establish and maintain a contingency fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1983, and in subsequent fiscal years, and to provide for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF ATTACHED TO THE BILL, S. B. 457, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Keener (With Notice and Proof):

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time for the election; and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 458, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Keener (With Notice and Proof):

S. 459. Relating to Etowah County; providing for a preferential advisory election of the question of legalizing bingo in Etowah County for only religious, charitable, fraternal, educational or civic purposes for all qualified electors in the county; prescribing the time for such election.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 459, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 457. Local Legislation No. 1.

S. 458. Local Legislation No. 1.

S. 459. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J):

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to

determine if the vehicle is abandoned and should be sold.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 80. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Mitchell, Harrison, Aldridge, Dixon, Barron, Bailey, Menton, Bedford, Denton, Robertson, and Teague:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Also:

By Senators Smith (J) and Aldridge:

S. 42. To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kindergarten program is adequately funded or a compulsory remedial summer school program; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Also:

By Senators Smith (B), Barron, Smith (J), and Cooley:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Also:

By Senator Mitchell:

S. 104. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employ-

ees may authorize contributions through payroll deductions, so as to provide further therefor.

Also:

By Senator Teague:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 93. State Administration.

S. 42. Ways and Means.

S. 434. Commerce and Industrial Development.

S. 104. State Administration.

S. 306. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered sent forthwith to the House without engrossment:

By Senator Aldridge:

S. 83. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for reimbursement of state employees for moving expenses.

Also:

By Senators Bedford, Holmes, Corbett, Denton, Kirkland, Little, Bailey, Harrison, Aldridge, Parsons, Menton, Boyington, Mitchell, Bachus, and Foshee:

S. 386. To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to provide for an increase in the number of said directors in certain cases and to provide for their initial term of office.

Also:

By Senator Hilliard:

S. 196. To amend Section 11-47-15 of the Code of Alabama 1975, to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Also:

By Senator deGraffenried:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance, and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties, and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Also:

By Senator Denton:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than $25,000 nor more than $100,000 for each separate location.

Also:

By Senator Teague:

S. 175. To open the State of Alabama retirement systems for certain military service; to provide that as prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 83. Ways and Means.

S. 386. State Administration.

S. 196. Local Government.

S. 119. Judiciary.

S. 376. Agriculture and Forestry.

S. 175. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Parsons (With Notice and Proof):

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senator Hilliard (With Notice and Proof):

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 198, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary

Also:

By Senator Hilliard:

S. 402. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Also:

By Senator Kirkland (With Notice and Proof):

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 441, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE,
Secretary.

Also:

By Senators Parsons and Cabaniss (With Notice and Proof):

S. 451. Relating to Jefferson County; to amend Act No. 79-454 of the Regular Session of the Legislature of Alabama 1979 and the title thereof; to authorize the Chief and Associate Coroner-Medical Examiners to remove corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; to adopt rules and regulations governing the removal of corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; and providing for the effective date of the Act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 451, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 91. Local Legislation No. 2.

S. 198. Local Legislation No. 2.

S. 402. Local Government.

S. 441. Local Legislation No. 1.

S. 451. Local Legislation No. 2.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the within House Bills and House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:30 A.M. on June 16, 1983.

H. J. R. 177

H. J. R. 184

H. J. R. 197

H. J. R. 207

H. J. R. 209

H. J. R. 230

H. J. R. 231

H. J. R. 241

H. J. R. 243

H. J. R. 244

H. J. R. 245

H. J. R. 251

H. J. R. 252

H. J. R. 253

Delivered to the Governor at 1:15 P.M. on June 16, 1983.

H. 393

Delivered to the Governor at 1:45 P.M. on June 16, 1983.

H. 226

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Howard and pursuant to the resolution, H. R. 284, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, June 21, 1983.

NINETEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, June 21, 1983

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Kenneth B. Parker, Pastor Director, West Alabama Cooperative Ministries, Propst Memorial-Andrews Chapel, Millport, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Albright, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A. L.), Johnson (R. G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby.

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A quorum was present.